

EXHIBIT 8

DONEGAL MUTUAL INSURANCE	:
COMPANY, A/S/O VANESSA SCHANTZ,	: IN THE UNITED
Plaintiffs	: STATES DISTRICT COURT
	: FOR THE EASTERN
	: DISTRICT OF
V.	: PENNSYLVANIA
	: DOCKET NO.
	: 1:08-CV-2171
ELECTROLUX NORTH AMERICA,	:
Defendant	:
	:

The DEPOSITION of MICHAEL STODDARD, JR., called by the Defendant for examination, taken pursuant to the Federal Rules of Civil Procedure, taken before PATRICIA M. McLAUGHLIN, a Notary Public within and for the Commonwealth of Massachusetts, and a Certified Shorthand Reporter, at the offices of The Wright Group, 125 Stanphyl Road Rear, Uxbridge, Massachusetts, On the 14th day of May, 2010, commencing at 9:22 a.m.

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MICHAEL STODDARD, JR.

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BY MS. NICOLSON 4

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(All exhibits retained by the Court Reporter,

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with the exception of Exhibit No. 7, which

21

was retained by Attorney Nicolson.)

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2 P R O C E E D I N G S

3 MS. NICOLSON: Usual stipulations?

4 MR. HOPKINS: Sure.

5 MS. NICOLSON: Do you want Mike to read
6 and sign.

7 MR. HOPKINS: Yes, that would be a good
8 idea.

9 MICHAEL STODDARD, JR.,
10 being first duly sworn, was examined and
11 testified as follows:

12 DIRECT EXAMINATION

13 BY MS. NICOLSON:

14 Q Mr. Stoddard, my name is Cheryl Nicolson and
15 I introduced myself to you and we've been
16 speaking prior to the dep. May I call you
17 Mike during the dep?

18 A Yes, you may.

19 Q We're here today with regard to the Schantz
20 matter for your testimony in conjunction with
21 that case, and the expert opinions that
22 you've given in that case. Do you understand
23 that to be so?

24 A Yes.

25 Q Have you had your deposition taken before?

2 A Yes.

3 Q How many times?

4 A Three times.

5 Q I'm going to run through just a couple of
6 instructions. I'm sure you know what they
7 are, but just hear me out. If at any point I
8 ask you a question and you don't understand
9 the question I ask, because it's unclear or
10 you just don't understand the way I've worded
11 it stop me, and let me have an opportunity to
12 rephrase it. Okay?

13 A I understand.

14 Q If you don't stop me, I'm going to assume
15 that you have got the question, you've
16 understood it, and I'm going to keep moving
17 on. All right?

18 A Okay.

19 Q And you're already keeping your responses
20 verbal. If you can make sure you do that for
21 all of us, that would be great.

22 A Absolutely.

23 Q Mike, the three prior deps, were they since
24 you've been with The Wright Group or before
25 that?.

2 A They were done while I was working at The
3 Wright Group. Some of them are prior cases
4 that I worked on prior to The Wright Group.

5 Q That you brought with you to The Wright
6 Group?

7 A Correct.

8 Q Can you give me the names of those
9 depositions?

10 A Is it all right if I refer to my CV?

11 Q Yes. You're going to refer to your testimony
12 list, correct?

13 A Yes.

14 Q They're all on there?

15 A Yes.

16 (Document marked Exhibit No. 1.)

17 Q Let's go ahead. I'm going to show you a
18 document we've marked Stoddard 1. Is that a
19 copy of your CV, Mike?

20 A Yes.

21 Q And the deposition and trial log at the back,
22 is that what you're looking at for reference
23 to the three cases that you gave deposition
24 testimony in?

25 A Correct. That's accurate. That's accurate

2 to date.

3 Q There are four cases listed on your
4 deposition log?

5 A Yeah, that's correct.

6 Q So that would be four prior depositions?

7 A Yes.

8 Q The Commonwealth of Massachusetts, Quincy
9 Mutual Fire Insurance Company case, what was
10 that about?

11 A That was a microwave oven case. I was the
12 origin and cause investigator, and we
13 represented the plaintiff on that.

14 Q And you worked for -- Quincy Mutual retained
15 you, or did a lawyer retain you in that case?

16 A I believe it was Quincy Mutual directly.

17 Q And what opinion did you give with regard to
18 that microwave?

19 A It was my opinion that the fire originated at
20 the microwave as a result of a malfunction of
21 the microwave and there was a subsequent
22 testimony by an electrical engineer also
23 working on our behalf.

24 Q Did you provide opinion in that matter with
25 regard to the malfunction or just the origin?

2 A Just the origin.

3 Q The Merrimack Superior Court case, No. 2 on
4 your list, Martin Bender?

5 A Yes.

6 Q What was that case about?

7 A That was an arson fire.

8 Q How was the fire set?

9 A There was multiple points of origin in a
10 single-family residential home.

11 Q Accelerants used?

12 A That was not officially determined. At least
13 I can't remember the details of that, but
14 there was definitely two points of origin.

15 Q Did you give your opinions of any type of
16 electrical product?

17 A No.

18 Q Number 3, the New Hampshire Insurance
19 Company?

20 A Yes.

21 Q What did that case involve?

22 A That was a boat fire, ship fire, that
23 occurred in a storage building off season,
24 and the fire originated on the boat. And we
25 represented New Hampshire Insurance Company

2 which had the policy for the boat owner.

3 Q You were the plaintiff?

4 A Yes.

5 Q And what was the cause of that fire?

6 A Sorry. On that one, I take it back. We were
7 actually a defendant on that one. The cause
8 of that fire was undetermined.

9 Q Did you give any opinion where regard to
10 cause on that case?

11 A No, no specific opinions of causes. My
12 ultimate conclusion was it was undetermined.

13 Q No. 4, the Phoenix Insurance Company versus
14 Deere?

15 A Yes.

16 Q What was that case about?

17 A That was a lawnmower fire, lawn tractor.

18 Q Did you work for plaintiff or defendant?

19 A For the plaintiff.

20 Q And what determined the cause? What did you
21 determine the cause of that fire to be?

22 A Host surface emission by the muffler.

23 Q What did it ignite?

24 A If I recall the details of the case, I
25 believe it was a moving blanket.

2 Q Now, which of those cases came to you while
3 you were employed at The Wright Group or
4 since you've been employed at The Wright
5 Group, I guess I should say?

6 A You mean from start to finish?

7 Q Yes.

8 A The New Hampshire Insurance Company one, the
9 boat fire, and the lawnmower fire, the last
10 one, Phoenix Insurance Company.

11 Q Feel free to keep your CV in front of you and
12 refer to it as you need it throughout, okay?

13 A Okay.

14 Q I understand from your CV and also from what
15 I know of The Wright Group, Mike, that you're
16 a fire analyst here; is that correct?

17 A That's correct.

18 Q And you've been a fire analyst at The Wright
19 Group since 2006?

20 A Yes.

21 Q What does that mean, to be a fire analyst at
22 The Wright Group?

23 A A fire analyst is actually the same as other
24 positions. It's just the term for an origin
25 cause expert.

2 Q And what's the nature of your work here?

3 A Can you be more specific, please?

4 Q What do you do as a fire analyst here at The
5 Wright Group?

6 A Generally, my task is to -- whether it's in
7 some cases, it may be origin and cause in
8 some cases it may be origin -- it may be
9 cause related, but it's do a fair and
10 accurate investigation as to the facts of the
11 matter and makes some opinions, form some
12 opinions as to the ultimate determination.

13 Q When you came to The Wright Group in 2006,
14 were you fully trained and qualified as a
15 fire analyst when you first arrived here?

16 MR. HOPKINS: Objection. Objection to
17 form.

18 A Yes, I guess you need to be more specific as
19 to what your qualifications are of a fire
20 analyst? I mean I'm always ongoing training.

21 Q When you came to The Wright Group in 2006,
22 did you operate or did you work in the same
23 capacity that you're working in now?

24 A Yes.

25 Q So when you came here, you were a fire

2 analyst?

3 A Yes, the positions stayed the same.

4 Q Have your responsibilities stayed the same
5 from 2006 to the present?

6 A Ultimately, my responsibilities are basically
7 the same, although my knowledge, training,
8 education and experience has increased since
9 then.

10 Q Do you feel as though you have had on-the-job
11 training since you have been at The Wright
12 Group?

13 A Yes.

14 Q What would that be?

15 A Just more exposure to various test methods
16 and different methodologies that I previously
17 had not been exposed to. Every fire we go to
18 is a learning experience in and of itself.

19 Q When you refer to tests methods, what are you
20 referring to?

21 A More work in the laboratory. My last
22 position, the prior employer of mine, I did
23 the same basic task, but I was not as active
24 in the causation work as I am now.

25 Q When you say the causation work, what are you

2 talking about?

3 A Specifically determining the failures behind
4 what caused the fire, more so in my previous
5 employment, it was more so focused on
6 developing the origin of the fire and basic
7 causation work as far as generally what it
8 was. Here, there's more of an interaction
9 and a specific workload associated with
10 taking these a little bit further than it was
11 previously.

12 Q More interaction with who?

13 A With a team environment working in the
14 laboratory with my other associates.

15 Q I want to come back to what you do in the
16 laboratory, but just focusing on your
17 responsibilities since you've been here.
18 When you started in 2006, did you have
19 independent investigative responsibility?

20 A Can you clarify that?

21 Q Were you an independent fire investigator for
22 when you first arrived here or did you work
23 with others?

24 A Oh, I was independent.

25 Q From the day you started?

2 A Let me go back. I do work with others here
3 in this position. Prior to this job, I
4 pretty much worked out of the house on my own
5 in retrospect, but it's always been for the
6 company as part of the team.

7 Q For some other company?

8 A Yeah, right.

9 Q When you came here, were you immediately
10 given sole responsibilities to investigate
11 the cause and origin of fires or was there a
12 period of time that you worked with others in
13 more of a supervised role?

14 A No, we worked together in a review process
15 constantly even to this date. Everyone here
16 works together in a team concept, but
17 ultimately, the responsibility of making a
18 determination, forming my own opinions was
19 mine.

20 Q Let's take some generic assignment that comes
21 in or case that comes into Wright Group.
22 Describe for me how it gets to you and then
23 what you would do with that case, a fire
24 case.

25 A Any case that's assigned -- I'll even speak

2 generally, not just for me, but this goes for
3 everyone here. When a case comes in, it's
4 assigned to us by a client. Depending on the
5 nature of the case, it's assigned to an
6 investigator or an expert, and it's given out
7 where they oversee the determinations as to
8 if its origin and cause, all the way to the
9 end. And we do rely on the assistance of
10 other employees that work with us and other
11 outside experts to see that through, but
12 ultimately the opinions -- whoever writes
13 their name on the report, it's their opinion
14 and they're the one that sees it through.

15 Q If a file comes in from a particular insurer,
16 does it always go to the same investigator,
17 or is it moved around depending on who has
18 time and availability?

19 A It's based upon factors such as availability
20 but also expertise as well. I mean, there's
21 definitely certain fires that are given to
22 certain people because of their particular
23 expertise in those areas.

24 Q So obviously, you're aware from my
25 conversations with Ron Parsons before we

2 started that I've seen him before?

3 A Yes.

4 Q And I see him particularly with one insurer.

5 A Yes.

6 Q Is that -- does that insurer request a
7 particular investigator like Ron or yourself
8 because of the nature of the business
9 relationship between the insurer and
10 investigator, or is it anything that comes
11 into The Wright Group is spread around
12 depending on availability and expertise as
13 you were just describing?

14 A It's definitely more focused on the
15 expertise, and the availability does have
16 something to do with it as well.

17 Q Do you have an area of expertise here at The
18 Wright Group?

19 A Yes.

20 Q What is that?

21 A I do origin and cause field work as far as
22 just general just fire investigation anywhere
23 but one of my other focuses is dryers, dryer
24 fires.

25 Q I want to come back to your focus area, but

2 before I leave that, let me go back to my
3 question as to what happens when a case comes
4 in. Typically, what kind of information are
5 you presented with when the file is just
6 opened and you just start working on a new
7 matter?

8 A It depends on the case. Some cases we're
9 given more information than others, but
10 generally speaking, we are provided with some
11 policy information if we are working for a
12 plaintiff or some information about the
13 product if we are working for the defendant
14 and the address of the loss, date of the
15 loss, any pertinent facts that may be
16 involved in the loss.

17 Again, in some cases, it's relatively
18 limited. In other cases, we may have a whole
19 file to review as opposed to doing a basic
20 fire scene.

21 Q Do you, yourself, have a checklist of
22 information that you like to gather at the
23 beginning of any investigation? I say
24 checklist, checklist, procedure, manual.

25 A I don't follow any written procedures or

2 anything as far as a checklist, but I mean,
3 there's any and all information that is
4 associated with it. I like to try to get as
5 much information as possible throughout the
6 case.

7 Q Does that include a visit to the scene?

8 A At times. I mean, it's always better to be
9 able to view the scene firsthand, but
10 sometimes that's impossible to do.

11 Q Do you request for clients handing a matter
12 to you and hasn't requested that you make a
13 scene evaluation, do you request it with the
14 client?

15 A Sometimes I discuss with the client. It
16 would have to be on a case-by-case basis.

17 Q When would you want to see the scene?

18 A If the scene is still available and it's
19 either I may have questions about the scene,
20 either who has seen the scene, seen
21 photographs or the scene itself.

22 Q Back to my question. If the scene is
23 available, are you requesting examination of
24 it?

25 A Not in every case, no.

2 Q In every dryer case, if the scene was
3 available, would you request an examination
4 of the scene?

5 A Not specifically, no.

6 Q When would you request a scene examination?
7 When would that be important to you in your
8 work?

9 A Well, it's always preferred. I personally --
10 I feel that the dryer fires that I have
11 investigated that I have been believe able to
12 view the scene personally, I know in my own
13 methods and principles what I look for maybe
14 different than another investigator. So it's
15 always preferred, but it doesn't always
16 happen.

17 Q So scene examination is always preferred, but
18 it doesn't always happen. And that is in
19 dryer cases?

20 A Not just dryer cases, in all cases.

21 Q Okay. And your file may or may not reflect a
22 request of the client to see the scene;
23 that's fact specific as I just understood
24 you; is that correct?

25 A Let me ask you to repeat the question a

2 little bit clearer.

3 Q You may or may not ask for inspection of the
4 scene if it's not provided to you, and that's
5 dependent upon the facts of the case?

6 A Not just the facts of the case. It's also
7 based upon the client's perspective and
8 whatever factors they have, whether it be
9 financial, logistical.

10 Again, if the scene is destroyed or it's
11 already been repaired, then there may not be
12 anywhere of a need to do that.

13 Q In dryer cases, let me go back. With regard
14 to that checklist or procedure manual that I
15 spoke about, things that you do when a new
16 file comes in, does The Wright Group maintain
17 something like that?

18 A We don't have a checklist or anything, no.

19 Q A procedure, form?

20 A Yeah, there is a form.

21 Q What's on that form?

22 A It's generally the loss information, who the
23 client is and their contact information, who
24 the insured or the focused party is, the
25 claimant, whatever you want to refer to the

2 term as, the date of loss, any specifics
3 regarding some identifying component for the
4 client, whether it be the claim number or
5 file number or something like that and then
6 any specific details that we may find out
7 about that that they choose to give us.

8 It could be as simple as no information
9 regarding whatever the incident may be, or it
10 could be something detailed where we get a
11 whole file that someone else has looked to
12 organize photographs or other details.

13 Q Going back to where we were with regard to
14 your dryer inspections, I gathered from your
15 answer that there are dryer cases where you
16 do get to see the scene, correct?

17 A That's correct.

18 Q And if I understood you correctly, it
19 preferable for you to see the scene?

20 A That's my preference.

21 Q What information is important to your
22 analysis that you find at the scene with
23 regard to dryer cases?

24 A Generally, the whole scene as a whole. It's
25 different in every fire. Every fire is

2 particular at in its own right.

3 Q What do you do when you get to the scene
4 generally? What's your procedure?

5 A It's just a pretty systematic procedure
6 that's followed by most people, to do an
7 initial scene survey, kind of see what you're
8 looking at, and then you begin crossing the
9 scene using documentation, photographs and
10 such, working your way around the scene to
11 least damaged areas, the greatest area
12 damaged and focusing on the area or origin
13 and then determining potential causes in
14 those areas.

15 Q When you say processing the scene, what does
16 that mean?

17 A Just gathering information, gathering data.

18 Q And how do you collect it?

19 A Well, I mean, as far as identifying the data,
20 you're looking at things. You're listening
21 to people. You're conducting interviews.
22 You're arc mapping, whatever it may be
23 specific that maybe specific to that case or
24 not, but it's generally applied principles.

25 Q Do you take notes at the scene?

2 A In most cases, yes.

3 Q If you interview, do you take notes of the
4 interview?

5 A It depends on the situation, either notes of
6 the interview or a recorded statement.

7 Q Do you photograph?

8 A Yes.

9 Q Do you ever video?

10 A Not generally, no.

11 Q Did you collect evidence?

12 A If the situation warrants it, yes.

13 Q In a dryer case, what evidence might you
14 collect from the scene?

15 A Again, the specifics may require more
16 evidence be taken, but in general, I prefer
17 to take the dryer itself, anything that's
18 related to the power cord if it's detached,
19 the dryer receptacle, the dryer circuit
20 breaker; in most cases if it's reasonable, to
21 take exhaust components and any load samples
22 and any other related evidence.

23 Q What do you mean by exhaust components? Tell
24 me specifically what components you're
25 speaking about.

2 A The external exhaust that connects the dryer
3 to the external of the structure.

4 Q So those components end at the interior wall,
5 or do you collect components that may be at
6 the exterior of the house as well?

7 A Whenever possible, the exterior of the house
8 as well.

9 Q Just so we're clear, what components of the
10 exhaust system would be at the exterior of
11 the house?

12 A The hood, the exhaust hood.

13 Q With regard to the exhaust components that we
14 were just speaking about, how would you
15 collects them from the scene?

16 A The first thing I would do would be to
17 document it thoroughly in its current
18 position, take measurements, draw diagrams,
19 use photographs, whatever type of visual
20 components that may be necessary to be useful
21 in reconstructing it at a later date.

22 Q After you document, what comes next?

23 A It would be a removal of the exhaust system
24 using whatever methods that are reasonably
25 available to remove it without altering and

2 disturbing it as best as possible.

3 Q And then how would you preserve that
4 evidence?

5 A We'd package it, package and protect it from
6 further damage, transport it to our evidence
7 storage facility try to limit the amount of
8 movement and any other damage further to it
9 from one collection.

10 Q Are you concerned about what's inside the
11 components?

12 A Yes.

13 Q Specifically lint?

14 A Lint and any other debris that may be
15 accumulated.

16 Q With regard to documentation of its condition
17 as you described it, does that include
18 exterior, interior? Tell me what that means?

19 A Documentation would be all facets, exterior
20 and interior. Once the exhaust is beginning
21 to be taken apart or if the dryer has been
22 removed by the fire department and the
23 interior of the exhaust duct is visible, it's
24 very difficult to photograph the full length

2 it and cameras and all that. But yeah, to
3 document to the best of our ability to
4 document the interior of the duct as well as
5 the external.

6 Q Do you diagram or measure the ducting before
7 it's removed?

8 A Whenever possible, yes.

9 Q Was that a yes as to both measuring and
10 diagraming?

11 A That is when it is possible to do so,
12 depending how the arrangement is, yes.

13 Q I'm not sure I'm following you. I want to
14 make sure I understand you. If it's in its
15 position in the house, are you able to
16 diagram and measure?

17 A In certain conditions, it's more difficult to
18 have to have accurate measurements of an
19 exhaust system depending on the access to
20 that.

21 Q Like if it went through a wall or up through
22 a ceiling or something like that?

23 A If we are going to remove the whole thing,
24 sometimes it's easier to measure it after
25 it's been removed than it is through an

2 attic, through a crawl space where there is
3 no access to it. It may have to be manually
4 removed first before we can measure it.

5 Q Why is the ducting, its position, condition,
6 length, why is that important to you?

7 A Because it's one of the requirements of the
8 manufacturer to -- it's one of the key pieces
9 of evidence that the manufacturer always
10 wants to examine.

11 Q Apart from the manufacturer wanting to
12 examine it, is it important to you in your
13 analysis?

14 A Yes, to a degree.

15 Q And why is that?

16 A Specifically in regards to the condition of
17 it, any installation errors could provide
18 other people to be placed on notice, if it
19 was installed by someone else. So that may
20 bring other parties into the equation as
21 well. The condition of it also gives us some
22 idea as to how the examination of the dryer
23 that occurs later; it may have some link to
24 that.

25 Q And what could the possible link be?

2 A Well, just in regards to the condition in
3 which the dryer is running and how it's
4 exhausted.

5 Q Describe what the impact of the venting is on
6 the condition of the dryer and how it's
7 running?

8 A If it may have had an effects on the airflow.

9 Q How would the venting have an effect on the
10 airflow?

11 A It depends on the situation, but there's
12 various different things. Excessive lengths
13 can add to a change in airflow. If it's
14 kinked or crushed or otherwise blocked, it
15 can have a change in the airflow.

16 Q What's the effect of a change in airflow on
17 the operation of the dryer?

18 A Any change in airflow may affect the
19 accumulation of lint inside the dryer.

20 Q So in a condition where, using your two
21 examples, where the venting is kinked or
22 blocked in some way what's the effect of that
23 on lint in the dryer?

24 A It would have to be specific in the case and
25 the type of the dryer, who manufactured it,

2 its design and layout.

3 Q You're telling me it's important for you to
4 know these things and that kinks or blocked
5 vents could be impact. I'm asking you to
6 tell me what the impact could be on
7 accumulation of lint in the dryer. I'm
8 asking for your opinion.

9 A My opinion is it may affect the amount and
10 where the accumulation of the lint is in the
11 dryer.

12 Q Coming back to your example with regard to a
13 vent being blocked, what possible affect
14 could that have on the accumulation of lint
15 in the dryer that you would be interested in?

16 A It may change the normal accumulation of
17 lint.

18 Q Would it more lint accumulating or less lint
19 or something other?

20 A Generally, again any airflow change could
21 generate more lint. Typically, an
22 efficiently vented dryer is going to collect
23 less lint than what that one that is not
24 efficient, doesn't a sufficient airflow.

25 Q With regard to the blocked scenario, when you

2 were just speaking about a change in airflow,
3 the change in airflow, I think that you're
4 referring to is decreased airflow; is that
5 right?

6 A Not necessarily decreased. In most cases, I
7 mean a decrease in airflow has greater
8 affects as to lint accumulation, but changes
9 in airflow in general can cause different
10 effects inside of a dryer.

11 Q And what would those different effects be?

12 A The way the lint accumulates; not necessarily
13 quantity but specific locations.

14 Q Does it go the same -- what you just
15 testified to, does that hold the same for a
16 blocked crushed vent?

17 A There's many different factors it can affect
18 if you're talking about lint accumulation,
19 yes.

20 Q You just gave me a series of things that
21 could happen with a blocked vent. Do those
22 same series of things apply if the vent was
23 crushed?

24 A Yes, in certain situations, it could.

25 Q Are you aware of an affidavit that was

2 executed by Ron Parsons who is also here at
3 The Wright Group, correct?

4 A Yes.

5 Q In a Lowe's class action case regarding
6 venting?

7 A Yes, I am.

8 Q Have you read that affidavit?

9 A Not recently, but yes.

10 Q You know its content?

11 A Generally, yes.

12 Q Do you agree with the opinions expressed by
13 Mr. Parsons in that affidavit?

14 A If you can point me out to which specific
15 opinions, I can tell you which ones I agree
16 with or I do not agree.

17 Q Generally, I'm asking you. You've read it.
18 You know what it says. It's quite long. I'm
19 not going to take you through every
20 paragraph, but are there any opinions that
21 Mr. Parsons has with regard to venting as
22 expressed in that affidavit in that
23 litigation that are not yours?

24 MR. HOPKINS: I'm going to object. If
25 you are going to ask specific questions about

2 the affidavit, you show it to him.

3 MS. NICOLSON: Let's go off the record.

4 (Discussion held off the record.)

5 (Documents marked Exhibit Nos. 2 through
6 4.)

7 BY MS. NICOLSON:

8 Q Let's table the discussion about the
9 affidavit and come back to it. In instances
10 where the venting is not available at the
11 scene, how much of an impact does that have
12 on your investigation?

13 A Not a huge impact. I mean, it's always
14 better to see how exactly it was vented and
15 to see the conditions that it was operating
16 under. It's not a huge factor. It depends
17 on the case. A lot of times there is a
18 enough physical evidence for us to draw or
19 make a determination.

20 Q Did you attempt to reconstruct the path of
21 the venting and the composition of the
22 venting if it's not available for you at the
23 scene?

24 A My question would be do you mean if we get
25 the venting and we didn't get a chance to

2 look at the scene?

3 Q First, if you're at the scene and the venting
4 is not available, do you attempt to
5 reconstruct its paths and its composition?

6 A Well, we don't try to reconstruct anything
7 specifically using new materials.

8 Q No, no.

9 A Generally looking at how the vents, where it
10 went to, where it exited the building, what
11 material remains may be there to see how it
12 was constructed, yes..

13 Q And how do you go about doing that?

14 A Again, just documenting the scene with
15 measurements, photographs, and searching for
16 any remains of any materials that may have
17 been there, that may have been either
18 displaced by fire fighters or may have been
19 consumed or melted in the fire.

20 Q Do you also interview homeowners or tenants,
21 witnesses, about their recollection of the
22 venting?

23 A Yes.

24 Q In instances where it's not available to you
25 at all, it wasn't preserved at the scene, how

2 do you deal with that lack of information in
3 those cases?

4 A Again as you just said, our only clue as to
5 how the venting may have been run or what the
6 material it was constructed of would only be
7 through interviews.

8 Q Interviews of?

9 A Anyone that's familiar with it, whether it be
10 the user or the installer or whoever.

11 Q Okay. If you or The Wright Group is at a
12 scene, is there a specific protocol for how
13 you collect the evidence and preserve it and
14 get it back to your facility?

15 A Yeah, generally we follow the NPA guidelines
16 for collection and preservation of evidence.

17 Q What does that mean?

18 A Documenting the evidence as it is,
19 documenting the removal or disassembly
20 process. If it's something that needs to be
21 disassembled, if it's an exhaust system --

22 Q When you say document, you mean
23 photographically?

24 A Yes, it depending on the situation.
25 Packaging the evidence to preserve it against

2 any further damage.

3 Q Is there a special way that you package?

4 A It depends on a case-per-case basis.

5 Generally, we here at The Wright Group are
6 fairly overprotective on packaging of
7 evidence, shrink wrap tape, bagging ends of
8 exhaust ducts using that is specific example
9 and try our best to preserve it as near as it
10 was to the original condition at the scene.

11 Q How would it be transported back to The
12 Wright Group for storage?

13 A When we collect evidence ourselves, we
14 generally either transport it in our own
15 vehicles or we oversee the transport of it
16 through a carrier, the loading and the off
17 loading of it.

18 Q Okay. With regard to your note taking at the
19 scene or interviewing -- I should I say note
20 taking. With regards to your interviews at
21 the scene, how did you memorialize
22 interviews?

23 A Generally speaking, unless it's requested by
24 a client, generally we take handwritten notes
25 of interviews.

2 Q Are they ever recorded?

3 A In some cases, yes.

4 Q When would you record?

5 A Primarily when a client would requests it to
6 be recorded. Our general practice is not to
7 record all interviews.

8 Q When you take notes, are you asking the
9 interviewee to review the notes that you have
10 taken and signoff on them in some way or it's
11 just solely in your handwriting for your
12 benefits?

13 A For the most part, it's in our own
14 handwriting. In some cases, we do use
15 standard forms where they may fill out
16 themselves.

17 Q And sign?

18 A Typically, we don't ask them to sign, but
19 it's something to look into, I'm sure.

20 Q What cases would you do that?

21 A In mostly appliance cases, where we have kind
22 of like a standard long questionnaire.
23 Pretty much it happens where we have less
24 access to the individual, if they're
25 non-cooperative or something. We e-mail them

2 a questionnaire or fax them a questionnaire
3 or mail them a questionnaire that they can
4 fill out on their own time.

5 Q You said in appliance cases. Do you use a
6 questionnaire in appliance cases?

7 A In some of them.

8 Q In some appliances cases?

9 A In some of them, yes.

10 Q What does the questionnaire say?

11 A It says a lot.

12 Q Do you have a copy of it that you could
13 provide to me?

14 A I'm sure we could produce it at some point,
15 yes.

16 Q When Jen comes in with the fax, if you could
17 ask her for a copy of that, I'll come back to
18 that question as well.

19 A Sure.

20 Q In 2006, were you doing fire scene
21 inspections alone, yourself?

22 A Yes.

23 Q From 2006 to the present, could you break up
24 the type of work you do in percentages,
25 appliance fires, boat fires, car fires?

2 Could you break your workload up?

3 A My expertise is not generally in automobile
4 fires or rain fires. It's pretty much
5 structural fires whether it be residential or
6 commercial. Therefore, I'd say probably 90
7 percent of my work is structural related, and
8 that may also apply to any appliances that
9 would be potentially be involved in the fire.

10 Q Structural fire includes appliances?

11 A Yes.

12 Q What's the other 10 percent?

13 A It could be a boat fire or a car fire.

14 Q I just picked those because there was a boat
15 fire in your deposition log. Anything else
16 that could go in that 10 percent?

17 A It could be anything. Generally structural
18 fires is my field of focus.

19 Q And out of that 90 percent, how much of that
20 90 percent of your work involves appliances?

21 A I don't know if I'd be able to really
22 quantify that. I mean, every fire we do, we
23 have to look at appliances as a rule to rule
24 them in or rule them out as a potential
25 cause. So if you could may be clarify your

2 question, I'd be better off with that.

3 Q Out of that 90 percent, how many of those
4 cases involved appliances that weren't ruled
5 out? How about that?

6 A I don't know if I can quantify that to be
7 honest with you. Again, I mean looking at
8 appliances happens at every fire, and I mean
9 if you're asking ones that can't be ruled
10 out, you're talking about a bunch of
11 undetermined fires, which could be a great
12 percentage. If you are looking at specifics
13 that I focused on appliance, I may be able to
14 guess. It's hard to quantify it.

15 Q Out of that 90 percent, what percentage of
16 the time do you find that it was an appliance
17 that was the cause and origin of the fire?

18 A In that it's potentially an appliance that
19 was involved, I would have to say maybe 30 to
20 50 percent. I have to give a wide range on
21 this one.

22 MS. NICOLSON: Read back the last
23 question and answer please.

24 (Reporter read question and answer as
25 recorded.)

2 BY MS. NICOLSON:

3 Q My question didn't ask for what potentially
4 could have been the cause of the fire. I'm
5 asking you out of that 90 percent in how many
6 cases did you opine that it was an appliance?

7 A To give you a realistic answer, I'd have to
8 go back and review probably all the files
9 that I have ever done.

10 Q Is it the greater majority of the 90 percent
11 involving cases where you opined that it was
12 an appliance that it was the cause of origin?

13 A Again, I'm not always the person who
14 determines it was the appliance that cased
15 it. In some cases, I'm strictly origin
16 investigator. I may bring it down to a level
17 where it may be a potential cause, and it
18 goes to another expert to finalize the
19 conclusion. That's why it's difficult for me
20 to answer.

21 Q Out of that 90 percent of structural work,
22 can you give me a percentage or a number of
23 cases where you gave opinions that the origin
24 of the fire was to at or near an appliance?

25 A Again I would have to go with that 30 to 50

2 percent.

3 Q What about -- if I ask the question a
4 different way, out of the 90 percent, what
5 percentage or number of cases did you
6 determine an appliance to be the origin and
7 cause of a fire? What would your answer be
8 in that instance?

9 A I would say significantly less. Maybe 20
10 percent.

11 Q And then the remaining percentage, are they
12 cases involving origins or causes where it
13 wasn't an appliance, an electrical failure,
14 arson, I don't know?

15 A Yeah, that's a fair and accurate statement.

16 Q With regard to the opinions that you've
17 offered -- and I'm taking this, Mike, 2006 to
18 the present, but if I need to narrow the
19 scope and take it year by year, tell me and I
20 will.

21 In the cases where you've offered
22 opinions that an appliance was the origin of
23 the fire, how many of those cases involved
24 dryers?

25 A Again, I would have to go through statistics

2 to look at our files to look at the
3 statistics on it. I'm assuming you want me
4 to estimate.

5 Q Yes.

6 A Again, this is just a rough estimation. I'd
7 have to review it, but maybe 10 percent.

8 Q 10 percent are appliances?

9 A Sorry. Maybe I misunderstood your question.

10 MS. NICOLSON: Can you read the original
11 question?

12 (Reporter read question as recorded.)

13 A I would still hold that's probably true.
14 Maybe 10 to 20 percent that I've determined
15 are appliance fires are probably dryer fires
16 in specific field investigation.

17 Q How many out -- in that 10 to 20 percent, how
18 many of those cases involve Electrolux
19 dryers?

20 A Probably 80, 80 percent.

21 Q What other manufacturers, other than
22 Electrolux, are included in that 10 to 20
23 percent dryer cases?

24 A All manufacturers specifically would be open
25 to that, but specifically, I recall General

2 Electric, MayTag, Whirlpool, LG, and there
3 may be other manufacturers too.

4 Q How many MayTag dryers have you concluded
5 were the cause of fires?

6 A Again, I'd have to look back through the
7 records to look at the numbers.
8 Percentagewise, I mean, I guess
9 clarification, are we talking about fires
10 that I've investigated out in the field?
11 We're still talking about that?

12 Q Yes, I'm still in your 10 to 20 percent of
13 the appliances where you've offered an
14 opinion as to cause and origin are dryers,
15 and then you took me to 80 percent of those
16 being Electrolux. And now, I'm referring to
17 the remainder, GE, MayTag and Whirlpool, and
18 I'm going to ask you to go through and give
19 me percentages and numbers, if you can.

20 A Again, this is strictly an estimate. I would
21 say maybe five percent are MayTag.

22 Q Whirlpool?

23 A Probably like the same, five percent.

24 Q LG?

25 A Probably like one percent.

2 Q Would you have a list that you could go to to
3 find the exact cases that you're referring to
4 when you direct me to the five percent that
5 are Whirlpool, five percent that are MayTag?

6 A No, again those are just estimates based off
7 the top of my head. We don't keep any
8 specific reference as to the cause of the
9 fire and break it down into statistical
10 things.

11 Q Do you keep records with regard to reports
12 that you issue in cases?

13 A In regards to statistics, no.

14 Q If you offered a record in Schantz, do you
15 keep a copy of the Schantz report? Do you
16 know what opinions you have offered in
17 Schantz after a file closes?

18 A The office does.

19 Q If I were to ask you a question to give me an
20 exact count, tell me the cases where you
21 opined that a GE, MayTag, Whirlpool or LG
22 dryer was the cause of a fire, how would you
23 go about answering that question by way of
24 collection of information here in the office?

25 A I would have to go through every file that

2 I've done since my time, every file that was
3 originated and go through each file to see
4 who was the investigator on it, and then I
5 would have to go through my files selected
6 out of there and read my reports and how far
7 I got to determine things.

8 Q So it's possible?

9 A It's possible.

10 Q Time-consuming?

11 A Very much so.

12 (Whereupon, a brief recess was held.)

13 BY MS. NICOLSON:

14 Q Before the break, Mike, your assistant
15 brought in a form that you have handed to me
16 marked "Dryer Fire Investigation Guidelines,"
17 correct?

18 A Correct.

19 MS. NICOLSON: Could we mark this as
20 Stoddard 5.

21 (Document marked Exhibit No. 5.)

22 BY MS. NICOLSON:

23 Q And we've marked this exhibit Stoddard 5, and
24 this is the form that you were speaking to me
25 about earlier, the questionnaire or the

2 guidelines and questionnaire that's used for
3 interviewing; is that correct?

4 A Well, it's correct to a degree. This is
5 actually a guideline generally to the
6 investigation of dryer fires in general,
7 including the questionnaire.

8 Q So a portion of it is entitled "interview"?

9 A That's correct.

10 Q And that would be the interview of the
11 homeowner or the user of the dryer?

12 A Yes, that would be some of the questions, the
13 main questions we may ask or hope that
14 someone else would ask when they do a dryer
15 fire investigation.

16 Q Okay. It's many pages long. We've got six
17 of six in these guidelines; is that right?

18 A The entire guidelines is six pages, yes.

19 Q Who created the guidelines?

20 A I'm not sure exactly. I believe it may have
21 been Ron Parsons.

22 Q Was this in existence when you came here in
23 2006, or was it created later than that?

24 A No, the original version was in place
25 already.

2 Q In 2006?

3 A Yes.

4 Q And I take it by your comment "original
5 version" that there have been multiple
6 revisions to the document?

7 A That's right.

8 Q The one I'm looking at, Stoddard 5, this is
9 the most recent version of it?

10 A Yes.

11 Q Do you know how long this has been in
12 existence?

13 A Since March of 2010.

14 Q And you're looking for a date on --

15 A The last page.

16 Q Prior to March of 2010, what version existed
17 at that point?

18 A I'm really not sure. We don't keep the
19 original versions. It would be a shorter
20 version. Maybe less questions.

21 Q Do you recall it being much different than
22 the one we're looking at?

23 A Generally, the outline and formats of this
24 document has been primarily the same. I
25 believe the only main difference has been the

2 addition of the questions.

3 Q Would you have a copy of the version anywhere
4 that was in existence prior to March, 2010?

5 A I wouldn't know where to begin to find one.
6 Even the older revisions may not have had a
7 date on it, so you would have to look at the
8 individual document.

9 Q How is this document supposed to be used in
10 dryer fire investigations?

11 A This guideline isn't just for our use. We
12 try to give this to our clients as well,
13 because we realize that we don't have a
14 chance to do every scene investigation, and
15 we try to get as much information as
16 possible.

17 Q When you say to your clients, would that
18 include an insurance company for instance?

19 A Yes.

20 Q Was it your intention that adjusters or
21 claims people would use the document?

22 A That was more geared towards an origin and
23 cause investigator.

24 Q Or so --

25 A In some cases, yes, adjusters -- I mean, any

2 information possible produced that could be
3 filled out, no matter who fills it out,
4 whether it be the user, an adjuster, the more
5 information we can get that helps us with
6 some of these different items on this
7 document is beneficial to us, yes, but
8 specifically, I mean it follows the
9 principles and concepts of doing an actual
10 origin investigation.

11 Q When you supply to it a client, are you
12 anticipating that the client is going to
13 retain and give it to another origin and
14 cause investigator?

15 A It's our hopes, but it doesn't always happen.

16 Q Do you use this form in your dryer
17 investigations?

18 A I generally follow the concepts. I don't
19 fill out the form though.

20 Q When you're interviewing a homeowner, would
21 you ask all of the questions that I see under
22 the interview section?

23 A Generally, if it follows and applies, yes.
24 There are some questions that may follow up
25 on another question. If you answer no to

2 one, you won't answer yes to another. There
3 are additional questions that I would
4 probably ask in detail.

5 Q So you think the form should have additional
6 questions, or at least for your
7 investigations, you go above and beyond the
8 questions that are this Stoddard 5?

9 MR. HOPKINS: Objection to form.

10 A I ask additional questions because of my
11 expertise in dryers. I expect that these
12 would be hopefully be the minimum answers
13 that we would get in every case. That would
14 be the best-case scenario.

15 Q Have you discussed with Mr. Parsons that you
16 have other questions that you ask of insureds
17 that he should consider to be added to the
18 guidelines?

19 A Between both Mr. Parsons and myself, this
20 guideline has been updated since its original
21 version which we have added additional
22 questions. Again, specific required
23 questions, I am more familiar with the dryers
24 than other people may, so we try to keep as
25 brief and simple as possible, so that the

2 person answering the questionnaire, even if
3 it's the homeowner himself filling it out,
4 will have a basic understanding. We don't
5 inundate them too much with specifics in the
6 basic questionnaire, as well as make it
7 convenient for someone to answer this amount
8 of questions in this initial parts of the
9 investigation.

10 Q What questions do you ask that go above and
11 beyond the form?

12 A It would depend on a case-by-case basis.

13 Q In the dryer fire case?

14 A Again, these are the general questions. I
15 may have specific questions that follow up
16 off of these general questions. Specific
17 descriptions of events or specific -- even
18 more indepth questions regarding the use of
19 the dryer or what have you.

20 Q But nothing that you can tell me now would be
21 in addition to the questions on this form?

22 A Well, it's a conversational interview. It's
23 a conversational basis. Conversations, you
24 have to go with the interview and evaluate it
25 as best as possible to go along with it. So

2 there may be additional questions that might
3 be asked, yes.

4 Q If you didn't ask one of the questions that I
5 see on this form, would that be an oversight
6 on your part?

7 A Not necessarily.

8 Q It would be intentional?

9 A It may have no relevance, or it may not be as
10 important.

11 Q Why is the age of the dryer important?

12 A We're just trying to get a general sense of
13 how long the dryer has been there. The age
14 of the dryer is important to know some of its
15 operational history and how it was installed
16 and different things. They all kind of
17 correlate.

18 Q Operational history, what do you mean by
19 that?

20 A The overall use of the dryer.

21 Q Why is that important to your analysis?

22 A Many different reasons. Again, I'll try to
23 generalize. It's a case-by-case basis, but
24 the age of the dryer may relate to who
25 installed it, how it was installed, was it

2 used or new, how much does the user actually
3 know about the dryer itself as far as the
4 history of the dryer, different things such
5 as that. There is a plethora of questions.

6 Q When you speak of use, are you interested in
7 how the user or owner maintained the dryer?

8 A Yes.

9 Q Does that include cleaning the lint screen,
10 for instance?

11 A Yes.

12 Q Does it include maintenance of the dryer?

13 A Yes.

14 Q Forgive me if this is on here. I'm scanning
15 questions, and I'm trying to keep your
16 questions going. So bear with me.

17 Does that include -- yes, it does. I
18 see a question on Page 2 of 6 that says,
19 "When was the last time the dryer vent and
20 duck work were cleaned?" So you inquire
21 about cleaning?

22 A Yes, the dryer and any related components.

23 Q You inquire about how the duct work ran
24 through the house?

25 A Yes.

2 Q There is another question here on 2 of 6,
3 Mike, "What type of dryer vent was it?" Then
4 in parenthesis, "Flexible vinyl, flexible
5 foil, semirigid, corrugated aluminum duct or
6 rigid sheet metal duct." Are those, as far
7 as you're aware, the only type of ducting
8 that can be used with dryers?

9 A Those are the main types of ducts that are
10 designed for use with dryers, but I have seen
11 other materials used to vent dryers.

12 Q Like what?

13 A PVC pipe, for example,

14 Q Which is inappropriate, right?

15 A It's not a typical material.

16 MR. HOPKINS: Objection.

17 A It's not a typical material that's generally
18 sold in the marketplace to be used to vent
19 dryers.

20 Q Why is the material of the ducting important
21 to you?

22 A Again understanding how the exhaust was run
23 is important to us, but it's also important
24 to anyone else who may be involved in the
25 investigation of the case.

2 Q And does the material composition also impact
3 your analysis of airflow?

4 A On a case-per-case basis it can, yes.

5 Q There is a question on Page 2 of 6 that asks,
6 "Was there any screen or guard attached to
7 the exterior vent?" What type of screen or
8 guard are you referring in that question?

9 A Some exhaust hoods that are sold in the
10 marketplace or as an accessory to those
11 exhaust hoods, a guard could prevent birds or
12 other animals from entering the exhaust.

13 Q Why is that important to your analysis?

14 A It's an overall component that may or may not
15 be used as part of the exhaust ducting, and
16 different manufacturers may have different
17 requirements regarding the use of one of
18 those screens.

19 Q All right. In addition to following
20 manufacturer's instructions, are you also
21 interested in whether or not there could have
22 been any blockage creates by something coming
23 into the vent?

24 A Yes.

25 Q On Page 3 of 6, you asked if there were any

2 noises or odors prior to the fire. Why did
3 you ask that question?

4 A It gives us an idea if there was potentially
5 a problem with the dryer.

6 Q What kind of noises or odors are you
7 interested in?

8 A Any noises or odors.

9 Q Are there particular noises associated with
10 particular problems?

11 A Clunking, squealing, those are all noises
12 that may be associated with the dryer.

13 Q What's clunking associated with?

14 A Something, an off-balance load maybe or some
15 type of problem with the rotation of the
16 drum.

17 Q Squealing?

18 A It could be a number of reasons, bearing
19 assemblies, belts, metal-on-metal contact,
20 jammed, items jammed that are rubbing,
21 rubbing noises.

22 Q With regard to the bearing assembly, what
23 type of a squealing noise would you expect to
24 hear if there was a problem with the bearing
25 assembly?

2 A It depends on which bearing you're talking
3 about.

4 Q The rear bearing at the drum.

5 A It's situational. I've interviewed people
6 that have described some type of squealing
7 noise. We later find there is evidence of a
8 failed bearing, and it may be something that
9 is a momentary squealing. When they start
10 the dryer, there is an intermittent sound.
11 If it's loud or soft, again it's a
12 situational case.

13 Q Have you ever heard a squealing noise
14 associated with a bearing problem?

15 A Specifically during an investigation or in a
16 dryer that I have investigated.

17 Q In your professional experience?

18 A I've heard some noises produced by Electrolux
19 during some of the testing as far as that
20 goes. I can't specifically recall any other
21 ones, but I may have. There's one weird
22 noise that comes to mind when it comes to
23 work related to this. I have heard other
24 squealing noises with regards to dryers, but
25 I can't say where they're coming from

2 operation in my own personal use of dryers
3 and history.

4 Q Speaking personally, when you heard that
5 squealing noise, what did you do?

6 A I didn't do anything specifically.

7 Q You didn't own the dryer?

8 A No, I didn't own the dryer. There was years
9 ago growing up. My mother had a dryer that
10 squealed all the time.

11 Q What did your mother do?

12 A She kept on using the dryer.

13 Q With regard to other than the Electrolux
14 testing that you just referred to, you said
15 there was another instance or you had another
16 thought that came to mind with regard to
17 squealing. What were you referring to there?

18 A I'm not sure if it was an Electrolux dryer,
19 but there was another squealing that may have
20 been potentially involving like either a
21 motor bearing or like an idler wheel making
22 noise along that same lines.

23 Q Okay. Why is drying time and drying time
24 taking longer than usual important to you?

25 A It shows if there is any performance issues

2 for the dryer, related to the dryer,
3 specifically with regards to airflow.

4 Q Tell me what that performance issue would be.

5 A If you have a change in airflow, you can
6 increase the drying time, which is a sign and
7 symptom of change in the dryer and its
8 operation.

9 Q When you say change in airflow, are you
10 referring to what we were talking about
11 before, not necessarily a decrease in
12 airflow, but a change that would cause lint
13 to deposit in different places?

14 A Potentially, yes.

15 Q Could it also be a decrease in airflow?

16 A It could be.

17 Q Is there anything else it could be?

18 A Generally, no. An increase in airflow
19 doesn't really hurt because it's got one fan,
20 but generally a decrease in airflow could be
21 some reason related to the dryer.

22 Q The question on Page 4 of 6, "Did the
23 eyewitness hear anything, like an explosion
24 or deflagration?" What is deflagration?

25 A It's like a rapid expansion of gases. It's

2 kind of similar to an explosion. It's rapid
3 fire.

4 Q Why do you ask that question?

5 A It's actually more of a standard question in
6 regards to any noises on fire scenes,
7 especially involving potentially with the
8 dryers. If it's a gas appliance, it could
9 potentially be related to it.

10 Q Okay. So you're thinking about a gas
11 explosion?

12 A Yes, potentially.

13 Q There's a series of questions that start on
14 Page 4 of 6 for fire department personnel.

15 A Yes.

16 Q And you ask, "Did anyone turn the dial on the
17 dryer?" Why is that important to you?

18 A Well, one of the things we look at is the
19 setting of the timer. If the timer is still
20 in its original position, where it was at the
21 time the fire occurred, it could tell what
22 portion of the cycle it was in. If it's been
23 manipulated after the fact, it's helpful to
24 know that.

25 Q You also ask "did they disassemble the

2 dryer"?

3 A Yes.

4 Q Why do you want to know that?

5 A We want to know if has been any changes to
6 any of the artifacts, you know, if it's
7 changed from the condition it was at the time
8 of the fire.

9 Q And why is that important to you?

10 A Just to know if all the components are there,
11 if anything has been altered in any way.

12 Q If the condition of the product had been
13 altered in some way would that impact your
14 ability to rely upon what you see in your
15 inspection of the dryer?

16 A On a case-per-case basis, it would depend.
17 In some cases, if they remove screws, it may
18 not. In other cases, if the dryer has been
19 thrown out a window as part of fire fighting
20 operations it could potentially damage the
21 evidence.

22 Q What if the dryer has been disassembled by
23 others before you get to it?

24 A It's a case-by-case basis. If it's been
25 disassembled properly and everything is in

2 the same condition in which it was assembled,
3 it may not have a great effect if things have
4 been removed and discarded.

5 Q Does disassembly have an effect in the way
6 lint appears inside a dryer?

7 A Not necessarily.

8 Q Could it?

9 A It could in certain cases, yes.

10 Q So if the dryer was taken apart and lint was
11 disturbed or moved, cleaned, something along
12 those lines, it would be an issue?

13 A But that could potentially happen not only in
14 disassembly but also in fire fighting
15 operations, in transport. There's a whole
16 bunch of reason. It's not a solid piece of
17 the dryer so it's subject to movement.

18 Q Page 5 of 6, photographic documentation, now,
19 I know from working -- having Ron on cases
20 and also from your photographs in this case,
21 this certainly the end all and be all list of
22 the documentation you do of the dryer; is
23 that correct?

24 A Absolutely not.

25 Q All right. I take it this is the starting

2 point, but your documentation goes far
3 beyond?

4 A Again, this document it's even entitled
5 guideline. It's a guide.

6 Q Yes. Last page, "Evidence, Proper Evidence
7 Collection and Preservation", the first
8 bullet, "The dryer should never," in caps,
9 bolded and underlined, "be disassembled on
10 scene." Why is that?

11 A Because we want to see the dryer. If we are
12 doing an inspection of the evidence, we want
13 to see it in its original post fire
14 condition. We don't want to see any evidence
15 lost or damage.

16 Q Are there instances where you see dryers for
17 inspection and they have been disassembled at
18 the scene?

19 A Yes, they have, whether -- who disassembled
20 it is undetermined sometimes. Maybe a fire
21 department or maybe another expert that
22 doesn't work for us.

23 Q Are you involved in cases where destructive
24 examination has occurred before you're
25 retained and get to it?

2 A Yes.

3 Q How does that affect your work and your
4 analysis of that particular dryer fire?

5 A Again, it's on a case-by-case basis. In some
6 cases, it may not affect anything. It may be
7 in the original. Again, we'll still look at
8 it in the same light as it was previously or
9 at least be able to draw conclusions with
10 enough evidence that it's remaining in its
11 current condition. In other cases, it can
12 affect our examination.

13 Q How do you go about, in those instances where
14 it's been previously destructively examined,
15 how do you go about ensuring that the
16 condition that you've got it in is in an
17 original post-fire condition and not
18 disturbed by someone opening up the dryer and
19 examining it?

20 THE WITNESS: Can you read back that
21 question, please?

22 (Reporter read question as recorded.)

23 A Well, as far as a prior examination of the
24 dryer, if a dryer has been disassembled for
25 any reason, it's not in its post-fire

2 condition. That's my answer, I guess.

3 Q I'm not being clear with the question. You
4 get a dryer and it's been examined by other
5 experts before it comes to Wright. Through
6 no fault of your own, it's been opened and
7 examined.

8 How do you ensure that the evidence that
9 you're seeing that you're using to base your
10 opinions on is actually post-fire evidence
11 and not evidence altered or created by
12 others?

13 A Again, parts of it is our experience in
14 looking at not just dryer fires but all of
15 our investigations and the laboratory
16 analysis. You can tell if something has been
17 alter or disturbed, if it's been mechanically
18 cut or in some cases something has been
19 removed.

20 Specifically looking for components that
21 should be there, if they're missing,
22 obviously there's a problem there, also in
23 regards to prior evidence exams, looking at
24 the photographs or any other documentation,
25 review, notes, whatever may have been

2 provided by the previous examiner to help
3 support that that is the steps they used to
4 get the artifact in the condition that we're
5 looking at it.

6 Q Through those means that you just described,
7 do you believe your conclusively able to then
8 determine what its original post-fire
9 condition was?

10 A It depends on a case-by-case basis. In some
11 cases, yes. In other cases, it may have been
12 altered enough to not be able to form our
13 opinions as we'd like it. In those cases, we
14 inform our clients that there's an issue.

15 Q Five bullets down, "Secure the entire
16 ventilation duct work, if possible. At a
17 minimum, the section vent ducts connected
18 directly to the dryer should be collected."

19 Why is that section of vent duct
20 connected directly to the dryer, at a
21 minimum, an important piece, I take it?

22 A Because in general, when you're talking about
23 an exhaust system, in some installations the
24 exhaust system especially in a property that
25 may not have been severely fire damaged, it's

2 not economically feasible to remove the whole
3 vents system and secure that, but because of
4 the transient nature of a transition duct, a
5 duct that's used to connect the exhaust to a
6 previously installed duct work, that's always
7 easy and is usually something that's going to
8 be replaced and something that can be given
9 up.

10 Q I think that's it for this. It's a good
11 point to come to this affidavit that we were
12 speaking about earlier. I know there were a
13 number of questions, but I'm going to give
14 you that affidavit of Ron Parsons in the
15 Lowe's Home Center litigation. My question
16 is general, and as I said to Michael, I
17 wasn't intending to take you paragraph by
18 paragraph.

19 I'd like you to look at it paragraph by
20 paragraph and tell me if there are any
21 opinions offered by Mr. Parsons of The Wright
22 group that you don't share or you have other
23 opinions about.

24 A Okay.

25 MS. NICOLSON: And off the record.

2 (Discussion held off the record.)

3 BY MS. NICOLSON:

4 Q So I think there's a question on the table.

5 A What's the question? Can you read that back
6 for me, please?

7 (Reporter read question as recorded.)

8 Okay. I've read over the document. I
9 did not author the document. There are some
10 things that I do disagree with in his
11 opinions.

12 MS. NICOLSON: Let's mark this as
13 Stoddard 6, please.

14 (Document marked Exhibit No. 6.)

15 Q Mike, can you direct me to what those
16 opinions might be and what your opinions are?

17 A Again, specifically, for me to go through
18 this, I'd have to read this over in careful
19 detail and make some comments on it.

20 Q And I want you to do whatever you need to do
21 to answer the question, so if you need more
22 time, please take it.

23 A It may take a little while.

24 Okay. I would say under Paragraph 9, I
25 would disagree with some of the statements in

2 that, because it's dependent on how flexible
3 foil transition ducts are installed.

4 Q I don't have it in front of me, because you
5 have my only copy. So read me what
6 Paragraph 9 says or the portion that you're
7 taking issue with.

8 A "I believe that the reason why these vents
9 are mandated by most manufacturers," and then
10 in parenthesis, "and strongly recommended by
11 the others," end parenthesis, "is because
12 heavy metal vents provided the best available
13 protection in the marketplace against
14 crushing, kinking and changes that can occur
15 over time when a dryer is installed, moved,
16 or when objects are dropped behind the
17 dryer."

18 Q And what's your issue or difference of
19 opinion with that statement?

20 A I guess it actually goes on to pretty much
21 the whole paragraph. Do you want me to read
22 the whole paragraph?

23 Q Have you read the piece that you're taking
24 issue with, or is it the whole paragraph?

25 A The whole paragraph is the issue.

2 Q Go ahead.

3 A In generally speaking regarding this
4 paragraph, my disagreement would be that
5 flexible foil vents are not commonly
6 installed properly. That's an issue. If
7 it's installed properly, I believe that they
8 don't have any difference between airflow
9 between a properly installed rigidly or
10 semirigid exhaust. It may be covered later
11 in this report.

12 Q Let me ask you a question about that, Mike.
13 I understand what your point is with regard
14 to airflow. If they're properly installed
15 they can have proper airflow, correct?

16 A Yes.

17 Q What about the opinion that Mr. Parsons
18 offers that -- off the record.

19 (Discussion held off the record.)

20 BY MS. NICOLSON:

21 Q This is helpful now. Back on. All right,
22 Mike, you were talking about Paragraph 9 of
23 the affidavit, and we've marked the affidavit
24 as Stoddard 6. And I think you were
25 explaining to me that when foil vents are

2 installed properly, they can have just as
3 good airflow as a semirigid or rigid venting;
4 is that correct?

5 A That's correct. In the latter section of
6 that same Section 9 does kind of cover that.
7 I would say the opening of that paragraph has
8 to be caveated that when it is installed
9 properly, there is no difference in the
10 airflow if it's installed to the same degree.

11 Q Is that your only difference with that
12 paragraph because it does go on to talk about
13 protection against crushing and kinking and
14 how the flexibility of foil does allow for
15 increasing of sharp bends. Do you see that?

16 A Yes.

17 Q Do you have any differences of opinion with
18 regards to that testimony?

19 A No, I mean, definitely a flexible foil duct
20 is easier to manipulate and can be kinked
21 easier than a rigid or semirigid duct.

22 Q Okay. Continue on.

23 A On Page 5, which is item No. 14, Section B,
24 Subsection I -- just again, I'm not rewriting
25 Mr. Parsons' document here, but generally,

2 it's not just a restricted airflow that
3 causes the accumulation of liquid in the
4 dryer cabinet. That's not the sole cause.
5 It's basically changes in airflow, of which a
6 restricted exhaust is one factor.

7 Q And when you say a restricted exhaust is one
8 factor, it's one factor that could cause
9 accumulation of lint? Is that what you mean?

10 A Yes, it's one of the factors that causes
11 changes in the airflow that causes the
12 accumulation.

13 Q What are the other factors?

14 A Well, besides a restricted exhaust?

15 Q Yes.

16 A A restricted air intake, leakages in the --

17 Q Stop for a second. When you talk about the
18 restricted intake, are you talking about the
19 vents on the back of the dryer that draws air
20 or allows for air to be drawn into the
21 cabinet?

22 A In Electrolux, that could be one potential
23 area. I mean, airflow through anywhere,
24 through the cracks or from anywhere could
25 restrict the air coming into the dryer that

2 affects airflow.

3 Q What else?

4 A Changes in airflow is what we're still on,
5 right?

6 Q You said a restricted exhaust is just one
7 factor that could affect lint accumulation in
8 the dryer, and then I think you're giving me
9 other factors. I asked what other factories.

10 A Other factors that I consider changes in
11 airflow would include any type of leakage
12 within any of the airflow components of the
13 dryer itself, seals, gaps, different things
14 that would change the airflow. Lint that
15 collects on the lint screen can change the
16 airflow. The clothing load itself can change
17 the airflow. Those are the major factors.

18 Q With regards to the seals, how do seals --
19 when you say seals, tell me what you mean.
20 Do they do impact the accumulation of lint in
21 the dryer?

22 A The seals in the dryer itself -- and again
23 this is not specific to Electrolux, but any
24 dryer that has any type of seal. If the seal
25 is deficient, it can reduce the velocity of

2 the airflow and also allow airflow to enter
3 cabinets where it's not designed to enter the
4 main path of the airflow through the heating
5 element, through the drum, through the lint
6 screen and out the back of the dryer.

7 Q When you talk about deficient, what do you
8 mean?

9 A A change that is not originally designed.

10 Q It could be anything?

11 A Yes.

12 Q What particular seals in the dryer are you
13 referring to?

14 A Drum seals, any type of seals around blower
15 housings, any type of seal that is
16 essentially is part of the airflow path.

17 Q Are there others?

18 A Are you asking this in regards to Electrolux?

19 Q Yes.

20 A In Electrolux, the main seals are the front
21 drum seal, the foam gasket between the blower
22 housing and the transition duct and the seal
23 between the blower housing and the internal
24 exhaust tube. Those are the three main
25 seals.

2 Q The last one was seal between --

3 A The blower housing and the exhaust tube.

4 Q Before I asked you the specific with regard
5 to seals and Electrolux dryers, the factors
6 that you had given me restricted exhaust
7 seals, lint on the lint screen and clothing,
8 they apply to all dryers?

9 A Yes.

10 Q Lint on the lint screen, how does that affect
11 accumulation of lint?

12 A It changes the airflow from the beginning of
13 the cycle to the end of the cycle.

14 Q Clothing?

15 A Yes, also does the same thing.

16 Q Same thing?

17 A Yes.

18 Q I think what you mean -- I shouldn't assume,
19 but if you've got an overpacked drum, is that
20 an instance where clothing might affect the
21 airflow?

22 A That is one instance, yes.

23 Q Comforters that are too big for the capacity
24 of the dryer, something along those lines?

25 A Not even specifically if it's too big for the

2 dryer, but a difference in a clothing load
3 compared to the next may have an effect on
4 position and size, material.

5 Q Even if the drum was appropriately loaded?

6 A Yes.

7 Q Not overloaded?

8 A No, it can change and affect the airflow.

9 Q And that would affect the accumulation of
10 lint in the dryer?

11 A In general, yes.

12 Q And are we assuming with regard to this
13 concept of the clothing affecting the
14 accumulation of lint that we don't need
15 restricted airflow?

16 A When you say restricted airflow, what type of
17 restricted airflow are you talking about?

18 Q When you are giving me clothing as a factor
19 that could affect the accumulation of lint in
20 a dryer, are you as a prerequisite to
21 clothing affecting the accumulation of lint,
22 are you assuming that the clothing is
23 restricting airflow or no?

24 A Clothing in a drum may restrict airflow, but
25 the way the clothing in the drum is reacting,

2 what type of materials it's made out of, how
3 it's positioned in the tumbling cycle and the
4 amount of clothing are all things that can
5 change the airflow on a cycle-by-cycle basis.

6 Q If I'm following you correctly, it could
7 affect the accumulation of lint in the
8 cabinet?

9 A As well as generation at this point.

10 Q The generation of lint without having
11 restricted airflow?

12 A Yes.

13 Q I want you to continue on. I didn't mean to
14 make you digress there so far off Sub I.

15 A Section C, "The dryer manufacturers do not
16 anticipate accumulations of lint to come in
17 contact with the heat source and ignite." I
18 don't know what Mr. Parsons meant with the
19 wording of that sentence. I personally do
20 not know what dryer manufacturer anticipate
21 or don't. It would depend on the dryer
22 manufacturer and whatever their test
23 programs, whatever their findings are. So I
24 disagree with that.

25 Section D says that, "Airflow

2 restrictions increase the probability of
3 dryer fires." Again, I would change airflow
4 restrictions to changes in airflow increase
5 the probability of lint ignition fires in
6 dryers. That's probably how I would say that
7 should be worded in my own estimation.
8 Again, I'm not rewriting his report, but
9 that's my opinion.

10 In Section F, Subsection I, again, I
11 wouldn't make any assumption as to how well
12 manufacturers are aware of their dryers are
13 installed and used in the marketplace. I
14 personally again do not know the testing
15 procedures or evaluations, surveys or
16 whatever other means they may do to establish
17 how the dryers are installed, used and
18 maintained.

19 Q Okay.

20 A I guess No. 21, I would disagree so far to
21 say that the statements made by Mr. Parsons
22 in his affidavit are generalized and
23 simplified. It's my opinion that while
24 flexible foils may be more easily manipulated
25 or cause an increase in lint accumulations in

2 certain situations, ultimately, I find fault
3 in the fact that the end user or the
4 installer of those foil vents does not know
5 the specifics of the fire hazards related to
6 dryers and specifically which dryers are more
7 prone to lint ignition fires than others, or
8 should I say --

9 Let me clarify that by saying that
10 having a greater risk by design in relation
11 to the way lint accumulates in relation to
12 the heat source.

13 Q I'm sorry, Mike. I had trouble understanding
14 what you meant there. So I'm going to take
15 it back with you. Is it all of Paragraph 21
16 that you disagree with?

17 A I'm going to label it as 21, but I think
18 generally -- again, you'd have to ask
19 Mr. Parsons what he meant when he wrote this
20 document and he was trying to get where he
21 got, but I believe his whole document is
22 summarized under 21.

23 I think the scope of the entire document
24 which is best summarized in 21 is that
25 flexible foil ducts are a safety hazard in

2 every home because of the lint ignition
3 scenario.

4 Q Okay. So you started to tell me earlier -- I
5 was taking notes about your testimony while
6 flexible foil may cause an increase in lint
7 accumulation in certain instances, and then
8 you went on to explain I think what your
9 opinion was and I lost you. I wasn't
10 following you?

11 A My opinion is that it's -- I agree with
12 Mr. Parsons in that flexible foil is easier
13 to be manipulated or improperly installed,
14 whatever. It creates an increase of lint
15 ignition in fires in certain dryers as
16 opposed to other dryers. Therefore, it's
17 inappropriately to be sold generally in the
18 marketplace for installation on all dryers
19 because of that specific factor.

20 It's not up to the installer of the
21 vent, whether it be a professional installer
22 or the home user. They don't understand fire
23 hazards associated with dryers and different
24 design type of dryers in relation to where
25 lint accumulates in the dryers, how lint

2 accumulates in the heat source and the risk
3 of that.

4 Q What dryers shouldn't flexible foil vents be
5 used with?

6 A Again, this is affidavit is a general
7 statement for all people.

8 Q No, I understand. I meant in your opinion.
9 I'm following up on your statement of your
10 own opinion. What dryers shouldn't flexible
11 foil vents be used with?

12 A Flexible foil vents shouldn't be used in all
13 situations to some degree, because it's easy
14 if the flexible foil vent is in place and
15 it's used in a different dryer there is a
16 hazard associated with that.

17 Q What's that hazard?

18 A Lint generation potentially.

19 Q When you reuse a foil vent?

20 A If the foil vent was not properly installed,
21 it potentially can change the airflow in
22 certain situations.

23 Q For all dryers?

24 A For any dryer.

25 Q Okay. Go ahead.

2 A But specifically there's, you know, in
3 --certain dryer manufacturers have an
4 increased risk of fires that relate to the
5 lint accumulation and certain areas of the
6 dryer itself, and it's not the homeowner or
7 the service person that may understand that
8 they may be increased risk with brands X
9 versus brands Y.

10 Q Who are those manufacturers?

11 A I would say the lint ignition scenario is
12 more prevalent in Electrolux dryers and
13 General Electric dryers and Camco Mabe
14 dryers.

15 Q How do foil vents in application to those
16 manufacturers, Electrolux, GE and Camco,
17 allow for lint to accumulate in certain
18 areas?

19 A Flexible foil vents under very specific
20 conditions, especially if improperly
21 installed, can lead to a change in airflow.
22 It can increase the amount of lint that
23 remains inside the cabinet. That's the same
24 with any dryer depending on its installation
25 as it relates to exhaust specifically.

2 Q But there's something about Electrolux, GE
3 and Camco dryers that make foil vents
4 particularly -- you give me the word, bad,
5 inappropriate, to use?

6 A Not specifically foil vents in relation to
7 this document. We're discussing foil vents,
8 yes. But any ventilation system that is
9 deficient can be one of the factors that
10 leads to a lint fire in those particular
11 dryers more so than the other main designed
12 dryers out there, MayTag, Whirlpool, LG.

13 Q Forget the affidavit for a minute, because I
14 think this opinion you're offering stands on
15 its own. That's what I'm asking you, is your
16 own opinion. I want to make sure I
17 understand what you're saying, and I'm not
18 sure I understand what you're saying.

19 With regard to Electrolux, GE -- let me
20 back up. I do understand you in your
21 testimony where you're saying if you to use a
22 foil vents incorrectly, if you install it
23 incorrectly, it's a problem for all
24 manufacturers' dryers, correct?

25 A It can increase the lint that accumulates

2 inside a cabinet in all manufacturers'
3 dryers, yes.

4 Q But then there is a specific opinion that you
5 have with regard to Electrolux, GE and Camco
6 dryers and the use of foil vents, correct?

7 A Not just foil vents. That's where the
8 discrepancy comes up.

9 Q I'm sorry. I'm not following you. Did you
10 say that foil vents are an issue with regards
11 to these manufacturers particularly?

12 A Venting in general, problems with venting in
13 general is more of an issue in those dryers
14 than the other manufacturers.

15 Q So any bad installation of venting is more of
16 an issue with Electrolux, GE and Camco than
17 other manufacturers. Do I have that right?

18 A I have to take it a step back further. Any
19 factors that affect the accumulation of lint
20 in those particular manufacturers' dryers are
21 more problematic than the other
22 manufacturers.

23 Q When you say more problematic, what do you
24 mean?

25 A More of a hazard.

2 Q Why is that?

3 A Because in those particular design of dryers
4 the lint that does accumulate inside the
5 dryer cabinet accumulates in greater
6 quantities and/or in greater proximity to the
7 heat source.

8 Q How do you know that?

9 A Through experience, education, looking at
10 exemplars, doing testing, doing actual fire
11 scenes and doing investigations, basically
12 the whole summary of my knowledge of dryer
13 fires.

14 Q With regard to that opinion, you base that
15 opinion on your experience in the field?

16 A Yes.

17 Q Your training?

18 A Yes.

19 Q Testing?

20 A Yes.

21 Q What else did you say?

22 A Education, all of the additional research
23 that has been done.

24 Q By whom?

25 A By myself and also here at The Wright Group

2 and by others as well.

3 Q And who are the others?

4 A I mean I'd generalize and say other
5 professionals in our field. I mean
6 specifically, if I have read reports from
7 other experts that talk about lint
8 accumulation or show photographs of them, it
9 would be any other expert that I may have
10 read a report which we interacted with
11 specifically with regards to dryer fires.

12 Q Can you give me names?

13 A I couldn't give you all the names.

14 Q Any that come to mind as you sit here?

15 A Jack Sanderson, Dave Beauregard, Andy
16 Williams. I'm trying to think of specific
17 report names. I don't know. I'd have to go
18 back through files and look at reports. I'm
19 not very good with names.

20 Q But that's what comes to you as you sit here?

21 A Yes, those are people off the top of my head.

22 Q In those conditions that we were just talking
23 about bat venting with these particular
24 manufacturers, Electrolux, GE and Camco, what
25 happens when you have bad venting, plus the

2 design of those dryers, those manufacturers'
3 dryers, what happens with regards to the
4 accumulation of lint?

5 A Well, it's not just bad venting. That's not
6 the only factor.

7 Q I know, but you were just talking about bad
8 venting?

9 A I don't think I said bad venting myself. Can
10 you define bad venting for me?

11 Q We were talking about foil vents, and you
12 said it's not just foil vents; it's all
13 venting that is installed improperly. I
14 thought that's what you were saying.

15 A Improper installation of venting is a factor.
16 Other changes to venting, if it's crushed or
17 kinked or damaged, can be a factor. It's all
18 situational. You have to look at it in a
19 case-by-case basis.

20 Q When you have that scenario in place, what's
21 your opinion with regard to the accumulation
22 of lint in the cabinet?

23 A I have to step back, because it's a
24 case-by-case basis, but generally, when we
25 look at the collection of lint in the cabinet

2 of Electrolux dryers, using that as one of
3 the examples of that design type, the lint is
4 allowed by its design to collect in proximity
5 to the heat source. But venting is not the
6 only reason for that.

7 Q The other reason would be change in airflow
8 for the other reasons that you've described,
9 seal issues, lint screen not being cleaned,
10 clothing?

11 A Those are airflow factors, but primarily the
12 reason for the lint accumulating in proximity
13 to the heat source is the design of the dryer
14 itself.

15 Q What is it about the GE and Electrolux design
16 that allows for lint to accumulate in
17 proximity to the heat source? Let's take
18 electric dryers first.

19 A An electric dryer primarily is the position
20 of the heat source. Where the heat source is
21 located in an Electrolux electric dryer is
22 directly behind the drum, and through the use
23 of and examining dryers, doing
24 investigations, we see lint collects in the
25 back of the drum and in the heater housing,

2 around the heat source. That's irregardless
3 of deficiencies or changes in the airflow
4 doesn't necessarily do that. Even a normally
5 operating dryer properly vented according to
6 manufacturer's instructions, lint still
7 collects at the rear drum in proximity of the
8 hear source.

9 Q If I understand you correctly, with a proper
10 installed and maintained dryer, it's your
11 opinion that lint in an electric Electrolux
12 dryer still collects in the heater pan in
13 proximity to the electric coil to the heating
14 element?

15 A Yes.

16 Q And what about for gas?

17 A Same thing. The lint that collects behind
18 the drum collects in proximity to the burner
19 flame and heat produced by the burner flame.

20 Q So the gas lint accumulates -- let me back
21 up. Normally installed, properly installed
22 gas Electrolux dryer with proper maintenance,
23 same question as I asked you for the
24 electric, permits the accumulation of lint or
25 creates the accumulation of lint behind the

2 drum on the heater pan?

3 A On the rear of the drum and within the -- I
4 don't know specifically what term we want to
5 say to. I think heater assembly would be
6 Electrolux's part name for it, I believe.

7 Q I just want to make sure I understand you.
8 The drum itself, the cylindrical drum piece,
9 do you mean literally on the back of it or do
10 you mean on the heater pan that's attached to
11 the back of the cabinet?

12 A Both.

13 Q Both. Okay. Now, I'm trying to marry that
14 back into the opinions that you were giving
15 me with regard to Paragraph 21 of Ron's
16 affidavit. Now that I understand what your
17 opinion is, if you have a bad venting
18 installation with an Electrolux, GE or Camco
19 dryer, the situations that you just described
20 with regard to the accumulation of lint in a
21 normally maintained and operated dryer,
22 properly maintained and operated dryer, does
23 it exacerbate? Is it more, greater?

24 A It would depend on the situation. That's why
25 I disagree with the wording of that

2 paragraph, is because ultimately the person
3 who installs the vent, whatever vent material
4 it is -- it doesn't who installs the vent --
5 they may not realize the dangers or fire
6 hazards associated with the type of material
7 they choose or how the vent is installed
8 based on the difference of the design types
9 of dryers. It's a factor.

10 Q We're going to come back to your opinions
11 with regards to the Electrolux dryers and
12 testing and so forth, but we'll just hold
13 that and come back to it in a little bit.

14 How many dryer fires have you
15 investigated, regardless of where you worked
16 whether it was here at Wright Group or at the
17 other firm where you did forensic work?

18 A Specifically, I've probably been involved
19 with dryers that were involved in fire that I
20 have either assisted with an examination or
21 been part of an examination, I would say
22 maybe broad range three to 500, 300 to 500.

23 Q Just so I'm clear, that would be during your
24 time here at The Wright Group and also at the
25 New England Fire Cause & Origin Company?

2 A As well as Fire Science Technologies prior to
3 and also to some extent as well my experience
4 in the fire department.

5 Q Fair enough. Out of those 3 to 500 -- and I
6 realize that's a significant range, Mike --
7 how many have been Electrolux dryers?

8 A I wouldn't be able to give you exact figures.
9 I can tell you as far as examinations I've
10 done here at The Wright Group anyway maybe
11 approximately 80 percent.

12 Q Had you inspected or been involved in a
13 matter with an Electrolux dryer prior to
14 coming to The Wright Group?

15 A I believe I have, yes.

16 Q And at what firm would that have been, or was
17 it on the fire department?

18 A More than likely if it happened, it probably
19 was at New England Fire Cause & Origin. I
20 spent a considerable amount of years working
21 for them.

22 Q Okay. One of the -- I'm back to The Wright
23 Group now. One of the duties that you list
24 as yours in your employment here at The
25 Wright Group is to prepare comprehensive

2 written reports regarding findings. Is that
3 only for cases that you're the investigator
4 on or do you prepare reports for others?

5 A No, I never prepare reports for others. I
6 may assist them in the preparation of
7 reports.

8 Q How would you assist someone else in the
9 preparation of a report?

10 A Providing input, helping them type or insert
11 photographs or whatever help they may need.

12 Q Do you ever type for others? Do you ever
13 type a draft report and then hand it to them
14 for wordsmithing or revisions,
15 supplementation?

16 A Not unless I'm co-authoring a report.

17 Q So for instance, using Ron Parsons because
18 he's the person here I'm familiar with, if
19 Ron inspected a dryer in a case that wasn't
20 yours, would he ever ask you to write a draft
21 report for him to finalize?

22 A I can't think of any situations where that's
23 happened.

24 Q Has anyone ever done that for you?

25 A No.

2 Q Another description of duty is to peer review
3 cases with fellow analysts and engineers.

4 A Yes.

5 Q What do you mean by peer review?

6 A Well, there's some different probably
7 definitions in the industry as far as peer
8 review. We generally say peer review here in
9 a couple of different senses.

10 First is our own internal peer review,
11 which we discuss cases with other employees
12 here at The Wright Group to talk about the
13 case, make sure we've covered all the basis,
14 to see maybe some differences in opinions or
15 at least differences in theories that may
16 have been brought up that may have been
17 overlooked, and also to do proofreading, does
18 the report make sense; is it factual and
19 consistent.

20 The other peer review would be peer
21 reviewing with other experts in the field
22 kind of in the same light, more so discussing
23 your investigation, your data, your
24 hypothesis, your conclusions, not so much in
25 that aspect as far as reviewing the actual

2 reports for verbiage and such.

3 Q Sticking with the internal peer review, does
4 your discussion with your peers here at The
5 Wright Group take on a specific format like
6 you tell them the facts and you tell them
7 information from the homeowner? Does it
8 follow any particular form, or is it specific
9 to the case?

10 A Well, I mean, generally every investigation
11 we do is primarily the same using the
12 scientific method and NFPA guidelines, so we
13 kind of work through the same systematic
14 approach to cover all things so we will
15 discuss all that of that information in that
16 context.

17 Q As soon as I finished asking the question, I
18 realized how I could have asked it better.
19 Do you have set information that you share
20 with your peers here at The Wright Group in
21 this peer review process?

22 A Can you give me an example, what you're
23 talking about? I don't understand it.

24 Q Is there a set process that you follow with
25 your peers here at The Wright Group when they

2 peer review your opinions in a case, whether
3 it be a dissemination of information,
4 photographs, documentation of the fire scene,
5 whatever it may be? I don't know. That's
6 what I'm asking you.

7 A There is no standardized process, meaning we
8 don't follow a specific written rule or
9 anything, but we generally talk about all the
10 information that's gathered and discuss the
11 case, whether that be interviews,
12 photographs -- we may review photographs
13 together. We may discuss it verbally,
14 anything that may be involved to get
15 essentially another set of eyes and ears and
16 brain looking at things to verify our
17 conclusion.

18 Q Does this internal peer review happen at a
19 particular time during your retention in a
20 matter?

21 A Not specifically, no. It's a case-by-case
22 basis. It may happen very early on, or it
23 may happen continuously where it's peer
24 reviewed on numerous occasions.

25 Q Does it happen in a room where you're sitting

2 around a table discussing all the facts or is
3 it happen in the kitchen or at a desk?

4 A It could be anywhere. It could be in the
5 conference room. It could be in the office.
6 It could be in the lab. It could be in the
7 field.

8 Q Could it involve just a question about a
9 particular case, or does it always involve
10 presentation of a host of information?

11 A It's usually more than just a simple
12 question. Our in-house review process is
13 usually we want to look at all the
14 information that's available.

15 Q Do you record or memorialize anywhere when
16 you peer review a particular case and what
17 the discussion was about?

18 A In some cases, we may. In certain
19 situations, we may. It may be recorded
20 sometimes in a report or in an invoice or
21 something along that lines, but we don't have
22 any set procedure to do so. It's part of
23 your normal standard protocol. We don't
24 specifically keep track of all, because it's
25 so standardized for us to do it.

2 Q Do you charge the client for the time you
3 spend together peer reviewing?

4 A In most cases, yes.

5 Q It would be your time as well whoever you're
6 discussing or peer reviewing with?

7 A It depends on the circumstances. Usually at
8 least whoever is in charge of the case will
9 charge time for the peer review process.
10 They may not charge for individual hours for
11 each person that was responsible that took
12 part in the peer review.

13 Q Is there anywhere in the file documentation
14 as to when that and what you talked about or
15 how many times you met?

16 A Not generally, no.

17 Q Is there any document that's generated
18 memorializing what the peer review comments
19 were?

20 A No.

21 Q So in essence, the peer review happens, but
22 you can't tell me when it happens or what the
23 content of the discussion is or who was
24 involved?

25 A That's correct, especially because most of

2 the time it's an ongoing process that just
3 kind of it happens when it happens.

4 Q How does that ongoing process differ? What
5 you're describing sounds to me like office
6 communication and collaboration as opposed to
7 a peer review process. How do you
8 distinguish between the two?

9 A Again, it depends how you define the term,
10 peer review. I know there is multiple
11 definitions out there. It depends on what
12 specific definition you're looking at.

13 Again, our internal peer review process
14 is just a review of facts and information,
15 and generally it culminates in the production
16 of a report that's been read by someone to
17 make sure it makes sense and is written
18 correctly, has the right facts in it and is
19 accurate.

20 Q Is there a requirement here at Wright Group
21 that for instance your cases -- I don't mean
22 to single out yours or anyone else's -- are
23 peer reviewed in your definition a certain
24 number of times throughout the life of a
25 case?

2 A It's not necessarily the life of the case
3 thing. Our general practice here, it occurs
4 most of the time is to have a peer review of
5 every file that -- every fire that we do or
6 every conclusion that we come up with or
7 every fire that we come upon.

8 Q At some point?

9 A At some point, yes.

10 Q And moving to your second definition of peer
11 review, discussion with experts in the field,
12 is that something that happens in every case?

13 A No.

14 Q Is it case specific?

15 A In regards that it may happen on one case and
16 not the other, it's case specific. We don't
17 have a specific type of fire or any specific
18 circumstances that call for an external peer
19 review, no.

20 Q Okay. So when you tell me there's this
21 internal and external peer review, how do you
22 define the external peer review?

23 A Just that we spoke with someone that is
24 another expert that doesn't work for The
25 Wright Group to talk about the case, have you

2 had any similar circumstances; do you think
3 this happened; have you done any testing to
4 this effect where we discuss it and formulate
5 opinions and see if we differ on n opinions.

6 Q So there is no set procedure for having an
7 external expert peer review of a particular
8 piece?

9 A That's correct.

10 Q And in fact, are external experts external to
11 Wright Group ever peer reviewing a particular
12 case of yours or opinions that are offered in
13 a particular case?

14 A In certain cases, yes, they are.

15 Q In what cases would that be?

16 A Well, it's a basis case-by-case basis. If I
17 have something that I know someone else has
18 done some work on, I have a discussion with
19 them. That's essentially a peer review.

20 Q A general discussion about your opinions or a
21 fact-specific case discussion?

22 A Not specific on a full case discussion, but
23 it may be a trend or tendency or a specific
24 product, not for an actual case. The it --
25 using Electrolux, for example, if I know

2 someone else has had a number of Electrolux
3 dryers and they have had experience in
4 investigating it, I am willing to offer my
5 own opinions and provide information as far
6 as what I found to see if it's in line with
7 what they found.

8 Q Correct me if I'm wrong. You wouldn't go to
9 an outside expert and say here's my opinion
10 and my report in the Smith file, peer review
11 me?

12 A In certain situations, we have done that,
13 yes.

14 Q What situations would they be?

15 A We worked on a dryer case against GE that we
16 used an outside expert to review some of our
17 designs, to talk about our testing, and
18 that's the most recent example that I can
19 think of.

20 Q Who was that outside expert?

21 A That is -- let's see. Who did we use for
22 that? Scott Jones.

23 Q Is that the only time you had Scott Jones
24 peer review for you?

25 A I was involved in that case. That's actually

2 not my case. That's Mr. Parsons' case. I
3 personally have not had any of my work peer
4 reviewed by Scott Jones that I've done solely
5 on my own. We have done other work with
6 Mr. Jones, yes.

7 Q Have you ever had with an other expert
8 outside The Wright Group where they peer
9 reviewed your cases, as opposed to a general
10 discussion about opinions?

11 A Not a specific case, no, not that I can
12 recall anyway. It may have happened but not
13 recently.

14 Q New England Fire Cause & Origin, I'm reading
15 the description on your CV that we've marked
16 as Stoddard 1, and it looks like you did many
17 of the same things there that you do for The
18 Wright Group; is that a fair statement?

19 A That's correct, yes.

20 Q How did your employment differ, if at all, in
21 any way or your job responsibilities differ,
22 if at all, between New England Fire Cause and
23 Origin and The Wright Group?

24 A Well, the responsibility of my job at The
25 Wright Group is more related to testing and

2 analysis of artifacts after they've collected
3 at the scene. It's a conglomeration of both.
4 Whereas, working at NEFCO, New England Fire
5 Cause & Origin, it was more so related to
6 origin analysis.

7 Q And that ties into what I think you were
8 trying to explain to me early on in the
9 morning where you talked about your lab
10 responsibilities and so forth growing here at
11 Wright Group, right?

12 A Yes.

13 Q I understand now. With regard to The Wright
14 Group, what engineers do you have on staff?

15 A Jan Kannally, K-a-n-n-a-l-l-y

16 Q And what type of an engineer is he or she?

17 A He is an electrical engineer.

18 Q What other engineers?

19 A John Downey.

20 Q Type?

21 A He is a mechanical engineer, and we just
22 hired a new person in our other laboratory.
23 I'm not sure if he has finished his degree,
24 but he's darn near close to an engineer as
25 far as to getting his degree if he hasn't

2 gotten it already.

3 Q Do you know his name?

4 A Yes, it's Jessie -- I'm blanking out on his
5 last name. Do you want me to find out?

6 Q We can come back to it. Do you know what
7 kind of engineer he's studying to be?

8 A It's related to mechanical engineering. I'm
9 not sure of the exact title. Like I said, I
10 don't know if he's graduated or he's a couple
11 of months shy from it.

12 Q Have you ever consulted with any of your
13 engineers on staff with regard to opinions
14 that you've offered in dryer cases?

15 A Yeah, Mr. Kannally on occasion, I have.

16 Q And what types of questions would you consult
17 with Mr. Kannally involving dryer cases?

18 A Dryer fires that are electrically related.

19 Q When do you decide that you need to speak
20 with him or you want to speak with him about
21 a particular case?

22 A If I have a question that's above my
23 electrical knowledge.

24 Q Any other cases?

25 A In regard to dryer fires?

2 Q Yes.

3 A No.

4 Q What electrical knowledge do you have?

5 A I have a pretty basic understanding of
6 general electrical knowledge. Specifically,
7 if you want to ask me, I can tell you.

8 Q That would require me to know. How did you
9 come by that electrical knowledge?

10 A I'll give the general answer of training,
11 education and experience.

12 Q Point me to a particular place where you
13 gained this knowledge or a particular period
14 in your work life?

15 A Throughout training courses, seminars
16 relating to fire investigation, educational
17 experiences through high school, college, and
18 other outside courses regarding electrical
19 systems and electrical components, general
20 work experience in various aspects, whether
21 here in the forensic world of The Wright
22 Group or NEFCO.

23 I worked in the fire alarm industry, so
24 I have experience in electronics and wiring
25 through there and just general knowledge I've

2 picked up through real world exposure.

3 Q Is there anything -- where in your
4 educational background did you pick up
5 knowledge or education with regard to
6 electrical?

7 A I think I just summarized it pretty well.

8 Q You're telling me everywhere?

9 A Specific educational courses or college
10 courses.

11 Q What were those courses?

12 A Well, right now, I'm attending a local
13 community college getting a degree in
14 electrical mechanical technology. You can
15 use that as an example.

16 Q Is that college on your CV?

17 A No, it's not on there.

18 Q Tell me what college it is.

19 A Quinsigamond Community College or QCC.

20 Q And where are you in that course of study?

21 A How far am I through the program?

22 Q Yes.

23 A I would say probably three-quarters through.

24 Q When you graduate, is it a two-year degree or
25 a four-year degree?

2 A That's an associate's in science.

3 Q Is that an engineering degree, or is it
4 something other?

5 A No, it's a technology degree.

6 Q What does that mean?

7 A It's not as advanced as an engineering
8 degree.

9 Q What types of courses do you take?

10 A Electronics courses, electrical courses,
11 mechanical courses, robotics courses, as well
12 as general courses as well.

13 Q I know I asked you. I'm sorry if I spaced on
14 this, Mike. Did you say how far complete you
15 are?

16 A About three-quarters.

17 Q I'm sorry. Apart from this degree program at
18 the community college whose name I can't
19 pronounce, what other formal education have
20 you had with regard to electrical?

21 A High school shop classes. With regards to
22 electrical and fire, part of my degree
23 program through the University of New Haven
24 had some education relative to the electrical
25 field.

2 Q Like what?

3 A As part as the fire investigation course and
4 different things, electrical fires, how
5 electrical wiring behaves in fires, arc
6 mapping, things like that. That's the same
7 through all my continuing education since
8 I've obtained my degree in various seminars
9 related to fire investigation, along that
10 lines.

11 Q You're not an electrician?

12 A No.

13 Q At the fire alarm company, did you have --
14 let me ask it this way. There was no origin
15 or cause work by you done at Monadnock
16 Security System?

17 A Monadnock.

18 Q Any fire cause and origin experience there?

19 A No.

20 Q How about forensic testing?

21 A No. I guess I'll take that back. In regards
22 to forensic testing, it depends on how you
23 want to define it. There was trouble
24 shooting of all the electrical circuits, fire
25 alarm control panels, fire alarm devices; if

2 it's broke, how did it break and why did it
3 break, and how do we fix it. So, yes,
4 generally there was.

5 Q Fire Science Technologies in Palmer, I see
6 that you did origin and cause work there. No
7 forensic testing?

8 A General forensic testing not to the degree
9 here, but, yeah, we did fire testing of all
10 the electronic circuits when you're testing
11 electrical devices, appliances.

12 Q Is it devices in which circuit that failed?

13 A Well, no, not necessarily. Usually related
14 to that in doing of exemplar testing and
15 different. That's pretty much been the same
16 thing throughout my entire career of origin
17 and cause is electrical related to fire.

18 Q The forensic testing that you do here at The
19 Wright Group, you mentioned earlier that you
20 do forensic testing here and it's to a much
21 greater degree than in prior employment; is
22 that correct?

23 A That's correct.

24 Q What is the nature of the forensic testing
25 work you do here?

2 A Well, the general testing is causation work,
3 related to a fire or an explosion or some
4 other type that caused damage, how is a
5 product or a scenario; how did that happen.

6 Q What type of products does it involve?

7 A It could be any product.

8 Q Give me an example.

9 A It could be a toaster oven. It could be a
10 coffee maker. It could be a dryer. It could
11 be a washing machine. It could have been a
12 furnace. It could be a vehicle. It could be
13 anything.

14 Q That helps me. So when you're talking about
15 forensic testing, I think -- I don't think,
16 you're talking about a particular product in
17 a case that you're involved in that's failed
18 and your testing of it?

19 A Or even just testing potential ignition
20 sources as products, yes.

21 Q What type of testing do you do on these
22 products?

23 A That's a pretty difficult question to answer
24 generally, but I will give it a shot. It
25 could be the testing of to see how the

2 product operates normally, baseline testing.

3 It could be fire testing to see in what

4 failure modes a fire is to occur in them. It

5 could be testing to see if this particular

6 item is even a potential cause of a fire.

7 There is a whole wide range of different

8 testing we may or may not do.

9 Q How would you test a product to see if it's a
10 potential cause of a fire?

11 A If we come up with a potential hypothesis as
12 part of our investigation that this or this
13 may have caused a fire, we will set of
14 different scenarios that may prove or
15 disprove our hypothesis.

16 Q You're trying to create it or make it happen
17 again?

18 A Yes, to see if it's a feasible potential
19 scenario.

20 MS. NICOLSON: Let's take a break.

21 (Whereupon, a brief recess was held.)

22 BY MS. NICOLSON:

23 Q When we stopped you were telling me about the
24 forensic testing that you have done here at
25 The Wright Group, Mike, and I understand

2 there to be three types. Normal operation of
3 a product for baseline testing, right, is
4 one?

5 A Yes, I wouldn't limit myself to say there's
6 three types. It's kind of situational. We
7 do what testing has to be done.

8 Q You gave me three.

9 A Those are the three main ones, the general
10 ones.

11 Q The second one would be failure modes?

12 A Yes.

13 Q And the third would be testing to determine
14 the potential cause of the fires, and I said
15 recreation of failures. And I think you
16 acknowledged that that would be correct?

17 A I mean that's accurate. Again, in general,
18 that's probably the main types of testing
19 that can be done.

20 Q With regard to Electrolux dryers -- let me
21 back up. With regard to your NEFCO
22 employment, did you do any forensic testing
23 of dryers there?

24 A No.

25 Q So all your forensic testing experience has

2 happened here at Wright Group?

3 A In regarding dryers, yes.

4 Q With regard to normal operation or this
5 baseline testing, I understand that is one
6 type. What is other type is there in the
7 normal operation category?

8 A Well, I wouldn't even say it's normal
9 operation, but just general testing of
10 non-fire products would probably be better.
11 I say baseline, I mean undamaged products,
12 see how they operate, see what factors may
13 influence how they operate, what conditions.

14 Q Have you ever done that type of testing with
15 an Electrolux dryer?

16 A Yes.

17 Q So you've engaged in forensic testing with an
18 Electrolux dryer that has not been involved
19 in a fire?

20 A Yes.

21 Q Can you tell me what that testing was?

22 A We've done a bunch of testing. We've done
23 temperature testing.

24 Q Hang on. Let me take a list here. I call it
25 normal operation testing; is that fair? Give

2 me some lingo that I can continue to use
3 without confusing you.

4 A I wouldn't say it's normal operation. It's
5 just operational testing. Let's just say
6 operational testing generally.

7 Q We're going to confine this to Electrolux
8 dryers?

9 A If that's where you want to confine it to.

10 Q Go ahead, tell me what you've done.

11 A Temperature testing, airflow testing, flame
12 height testing on gas dryers, component
13 testing.

14 Q What kind of component?

15 A Like testing flammability of components,
16 testing limit switches.

17 Q High limit.

18 A Yes. Those are probably the main categories
19 off the top of my head.

20 Q Have you done testing on other dryers,
21 operational testing on other dryers?

22 A Yes.

23 Q And what is that?

24 A Well, we haven't done as much testing on all
25 types of dryers, but we've done the same

2 types of testing depending on situations that
3 may require it.

4 Q I don't understand what you just said.
5 Sorry.

6 A We have done a lot of that testing on other
7 dryers made by other manufacturers.

8 Q When you answered my first question, you were
9 specifically referring to you, testing that
10 you had been involved in, correct?

11 A Yes, but I'll generalize it and say The
12 Wright Group.

13 Q I think I want to know what testing you've
14 done or you have been involved in, with
15 regard to the first question I asked,
16 operational testing with Electrolux dryers.

17 A You're really trying my memory here as far as
18 specifics go. I mean, I've been involved in
19 all of the Electrolux testing, whether I've
20 done a specific test or am somewhat involved
21 in the test, whether I'm the person who
22 actually did the test or assisted with the
23 test, there would be a variance. But I would
24 say that I am familiar with all the testing
25 that we have done here and taken part in

2 probably 99 percent of it.

3 Q I'm going to come back to the categories that
4 you gave me and we'll discuss what your
5 involvement was. Let me just ask the same
6 question. Operational testing on other
7 manufacturers' dryers that you have been
8 involved?

9 A Yeah, generally the same categories of
10 airflow, temperature, some component testing.

11 Q What components?

12 A Again, flammability. Generally, the high
13 limit would equate to all dryers, because
14 they all primarily use the same high limit
15 switches. No flame testing. I shouldn't put
16 it that way. There was flame testing done. I
17 personally wasn't involved in doing the
18 testing, but I know of the testing.

19 Q But you weren't involved in it?

20 A I didn't do the test. It was prior to my
21 employment here.

22 Q Going back to the operational testing, you
23 have been involved with involving Electrolux
24 dryers, tell me about the temperature
25 testings.

2 A We've done numerous tests of various model,
3 electric and gas, to see what operating
4 temperatures are, to see where specifically
5 temperatures are in the cabinet and on
6 different components within the dryer.

7 Q Okay. Focusing on the electric --

8 A Yes.

9 Q -- tell me what tests you've done. You said
10 numerous.

11 A We've done them on multiple dryers, but
12 essentially, it's the same general category
13 of dryers. We're looking for the different
14 temperatures in the dryer.

15 Q Is there a protocol for this test?

16 A It depends on the particular test. Yes, we
17 do a protocol before the testing.

18 Q Numerous tests involving both temperatures in
19 both electric and gas, how many times have
20 you done temperature testing?

21 A Without going through all the testing files,
22 I would have to estimate probably like six to
23 eight different tests.

24 Q And each time you did the temperature
25 testing, did you do it the same way?

2 A No, not always.

3 Q Did it involve the same model?

4 A No, not always.

5 Q Starting with the first test that you
6 remember whether you were testing temperature
7 data tell me what you did.

8 A Placed thermocouples throughout the dryer.
9 Are we talking about electric or gas?

10 Q Electric. Where did you place them?

11 A I'd have to look back through the notes to
12 see, but generally, it's in areas where
13 airflow happens either in the cabinet, in and
14 around the heating element, in the trap duct
15 or in the area of the blower housing.

16 Q When you say trap duct, are you referring to
17 the front duct?

18 A The front duct that connects the lint trap to
19 the blower housing. It's part of the front
20 panel or attached to the front panel.

21 Q So the one test that you're remembering --
22 is it one test or lots of tests where you did
23 this?

24 A Generally, they all about the same. There
25 may be some minute differences in placement

2 of thermocouples or what the test protocol
3 may have laid out, but generally our
4 temperature testing is involving looking at
5 temperatures in those particular areas.

6 Q Can I talk generally then with you about the
7 six to eight temperature testing?

8 A Yes, I would think so.

9 Q Or are there features particular to one test
10 that aren't shared in another that would make
11 me need to ask questions about specific
12 testing, one through eight?

13 A No, I'd say you can talk about them
14 generally. If you have a particular question
15 of something or if I start to bring up
16 something if I think it's pertinent, I'll try
17 to mention it.

18 Q As I understand it, there are six to eight
19 temperature tests that you have been involved
20 in electric Electrolux electric dryers?

21 A Electric and gas.

22 Q I thought we were just talking about the
23 electric.

24 A Sorry. I misunderstood you.

25 Q So the six to eight are both electric and

2 gas?

3 A Yes.

4 Q For each of those tests, generally the same
5 procedure was followed?

6 A For the most part, yes.

7 Q And that involved placing thermocouples in
8 the cabinet?

9 A Yes.

10 Q Do you know at what location in the cabinet?

11 A It would be different for electric versus
12 gas, but generally around the heating
13 element, at the heating source behind the gas
14 burner, behind the drum, trap duct area,
15 blower housing area.

16 Q Why did you place the thermocouples in those
17 locations?

18 A Because we want to see what temperatures are
19 produced in different areas of the dryer.

20 Q Why was that temperature data important to
21 you?

22 A Because it relates to competent ignition
23 scenarios and also to just the operating
24 characteristics of the dryer itself.

25 Q And how long did you run the dryers during

2 these tests?

3 A It depends on the actual testing. It could
4 be anywhere through one cycle, or it could
5 have been multiple drying cycles for extended
6 periods of time.

7 Q I'm sorry. I think I missed this. Did you
8 create a protocol for these tests?

9 A Yes.

10 Q And that protocol, does it still exist?

11 A Yes, and generally anything that we would
12 have a written protocol would still be on
13 them. In some very simple tests, we may not
14 have had a written protocol.

15 Q Can you produce the protocol that you are
16 referring to?

17 A Yes.

18 Q Maybe we can tackle that during lunch. Where
19 were the tests done?

20 A For varying reasons. One particular -- one
21 group of testing would have been like
22 baseline testing to see how a dryer directly
23 taken from a shipping box without any
24 alterations whatsoever, how that operates,
25 how they operate under usage with loads, with

2 vents restrictions on them, and then we've
3 also done testing on some of our design
4 alternatives as well that are modified
5 dryers.

6 Q Was this testing done in relation to a
7 specific case or for The Wright Group's
8 general knowledge?

9 A I would say general knowledge on just
10 probably every specific ones. I mean, it may
11 have been produced for different cases as
12 it's developed, but the entire bulk of our
13 testing is done to advance our own knowledge
14 and prove our own opinions.

15 Q Is the data that was generated -- let me back
16 up. Did the thermocouples generate
17 temperature data?

18 A Yes.

19 Q Was that data recorded?

20 A Yes.

21 Q How was it recorded?

22 A Through a data logger, which essentially
23 records digital data, digital format
24 temperature data.

25 Q At what intervals was the data collected?

2 A Generally, when we're doing our testing --
3 and again I'll just speak generally here
4 because there may be some circumstances that
5 are different. But generally, we run the
6 temperature data throughout the entire test,
7 and it's usually recorded on a
8 second-per-second basis.

9 Q Of the data?

10 A Yes.

11 Q And you already told me the tests run
12 anywhere between a load, 90-minutes load?

13 A Yeah, whatever maximum you can get out of a
14 load depending on the dryer model.

15 Q To how long?

16 A To long-term testing where we'd run multiple
17 loads. I couldn't even to estimate it. I'd
18 have to look through the data to tell you the
19 exact details.

20 Q So anywhere between one load and --

21 A It's hard for me to estimate. You know,
22 hours and hours and hours of testing.

23 Q More than a hundred?

24 A In some cases, yeah, potentially more than a
25 hundred.

2 Q More than 200?

3 A Potentially. Again, I'd have to look back to
4 the records. I honestly don't recall.

5 Q Where would you look to determine what the
6 longest test temperature data was?

7 A I'd have to look at each test at specific
8 data points, through all the thermocouple
9 data or any type of hard data that we have
10 that we recorded during that.

11 Q Is this temperature data that was generated
12 in this testing that we're talking about
13 contained on the hard drive that you produced
14 to us in this case?

15 A Yes, all of our data should be on the hard
16 drive.

17 Q All data for all testing?

18 A Yes.

19 Q So if -- I'd like to mark this hard drive as
20 the next exhibit.

21 (Document marked Exhibit No. 7.)

22 So we've marked your hard drive that
23 you've produced to us, and you can see it
24 here. This is your hard drive, correct?

25 A Yes, the one that's labeled Schantz, correct.

2 Q We've marked it as Stoddard 7, and I'm going
3 to hopefully flash this up on the screen
4 four. Watch it won't work now that Ron is
5 out of the room.

6 So I've plugged in the hard drive, Mike,
7 and I've opened up to the first level of
8 folders. If you'll confirm for me, I've got
9 four folders that are active and two that
10 appear to be system folders or backup file
11 folders that are not highlighted, correct?

12 A That's correct.

13 Q The first one is Electrolux gas dryer testing
14 September, 2008?

15 A That's correct.

16 Q The second one is Electrolux setup and burn
17 test 9/14/07 -- sorry. Electrolux setup and
18 burn 9/14/07?

19 A Yes.

20 Q Next one is Electrolux design alternative,
21 Ronco 3 and 4?

22 A Yeah, I think those are subfolders that
23 you're reading, but the main folder is
24 Electrolux design alternative.

25 Q The next one, Electrolux dryer testing

2 November and December, '08, photos and
3 videos?

4 A Yes.

5 Q Tell me where I would go to find the data
6 that we're talking about now with regard to
7 the temperature testing?

8 A They're in a couple of different folders.
9 Start with the first one, Electrolux gas
10 dryer testing, and if you go into test info
11 for test setup -- this is some data, but it's
12 not specific to temperature.

13 Q We'll back out. Still stay in this folder?

14 A No, you can back all the way out of that
15 folder. I don't know if there is anything in
16 that folder that you're pointing in right
17 now.

18 MS. NICOLSON: Off the record.

19 (Discussion held off the record.)

20 BY MS. NICOLSON:

21 Q Back on the record. All right. Mike, my
22 question to you before we went off the record
23 and found the folders was where in the hard
24 drive that you provided, Stoddard 7, is the
25 thermocouple temperature testing data that we

2 were speaking about, and we have gone on to
3 the hard drive. And we have gone into the
4 fourth folder entitled Electrolux dryer
5 testing, November and December, 2008 photos
6 and video, and inside that folder we have
7 gone to Electrolux dryer Test 11/20/08
8 thermocouple data?

9 A That's correct.

10 Q Inside that folder when we open it up, there
11 are ten folders marked Tests 18 through 27?

12 A That's correct.

13 Q And they all carry a date of 11/20/08?

14 A That's correct.

15 Q And inside these folders are spreadsheets and
16 raw data reflecting the temperature data that
17 was collected during this temperature
18 testing?

19 A That's correct.

20 Q Now, I'm noting that this is testing that was
21 done on 11/20/08 if I'm reading your files
22 correctly, correct?

23 A That's correct.

24 Q Is this all of the temperature testing -- is
25 this the data from all of the temperature

2 testing that you've done or you've been a
3 part of while here at The Wright Group?

4 A There's been other temperature testing for
5 alternative design testing as well, but
6 this -- in regard to this group of
7 temperature testing, this is all the data for
8 this particular thing, for thermocouple data.

9 Q So when you spoke earlier about six to eight
10 temperature testing tests, only one test
11 dealt with an Electrolux dryer and the other
12 tests dealt with alternative design dryers;
13 is that fair?

14 A Well, there is ten tests here that are
15 individually thermocouple test procedures and
16 whatever happened. So that essentially ten,
17 that are Electrolux dryers in this folder.
18 We have done other testing that we don't
19 really rely on the data as far as we've
20 obviously done testing way back from years
21 that may or may not have been recorded. We
22 don't particularly rely on it, but, yes, this
23 is the bulk of the data we are going to be
24 referring to in our test lab.

25 Q When you're talking about temperature

2 testing, six to eight tests, I understood you
3 meant six to eight different tests different
4 days maybe.

5 Is there other testing that you have
6 been involved in on a non-alternative design
7 dryer that deals with temperature data?

8 A I would have to just double-check our
9 library. I believe this is all the data
10 though.

11 Q All of the testing data that I'm looking at
12 here on 11/20/08, what type of dryer was this
13 done on?

14 A I'd have to refer to the test notes on that.

15 Q Is there anything that I have that I can open
16 for you on this hard drive that would tell me
17 what type of dryer the data was?

18 A Sure. Can we go off the record?

19 MS. NICOLSON: Yes.

20 (Discussion held off the record.)

21 BY MS. NICOLSON:

22 Q Back on. So, Mike, while we were off the
23 record, you helped me locate on this terabyte
24 hard drive the type of dryer that was tested
25 to generate the data that are in these

2 folders that we were just looking at, and I'm
3 in the file now airflow, temperature and fire
4 test summary that is inside the --

5 A November to December testing.

6 Q And I see that there were three different
7 Electrolux dryers tested on 11/20/08 to
8 derive this temperature data, correct?

9 A Well, not the entire data set, all the tests,
10 but regarding the temperature testing three
11 different dryers were used.

12 Q And two were electric and one was gas?

13 A That's correct.

14 Q And this dryer test summary that we're
15 looking at in this folder tells us actually
16 what the modification was to the dryer; is
17 that correct?

18 A That's correct. Two of the dryers were
19 modified with viewing windows so that we
20 could see different things going on inside
21 the dryer.

22 Q Now, the other data regarding the other tests
23 that you have been involved with is all
24 relative to either the Ronco 3 design or
25 Ronco 4; is that right?

2 A No, I wouldn't say so. I mean, the other
3 data includes --

4 Q I'm just talking about temperature data.

5 A Oh, temperature data?

6 Q Yes.

7 A To the best of my knowledge, yes. I believe
8 all the information that we have, all the
9 test data that we have would be included in
10 the hard drive. However, there is a
11 possibility, only because we tried to
12 rearrange it to make it easier to navigate
13 that something got overlooked, but I
14 anticipates that that's everything.

15 Q The airflow testing --

16 A Can I go back a little bit more? I wouldn't
17 even begin to know where to look for it. We
18 did do originally -- I can't recall if it was
19 GE dryers or Electrolux dryers. There is
20 some temperature data that's associated with
21 that stuff that may be documented
22 photographically before the days we had our
23 data loggers and our data acquisition system.

24 Q Would those photographs be on the hard drive?

25 A Yes, they would be on the hard drive. I

2 don't know how we'd identify them. If we
3 generate a report, we'd reference those
4 photographs or something specifically or that
5 data set.

6 Q The thermocouple that was mounted at the
7 element, where exactly was that thermocouple
8 mounted there?

9 A There were different thermocouples mounted in
10 different positions near the heating element.
11 I think there were four thermocouples mounted
12 in the area of the elements like at the 12
13 o'clock position, 3 o'clock position, 6
14 o'clock position and 9 o'clock position.

15 Q Around the perimeter of the element?

16 A I believe they were basically directly behind
17 the element on the heater, somehow attached
18 to the heater housing.

19 Q And why did you choose those locations for
20 the data?

21 A To show the temperatures that the heating
22 element can reach during operation.

23 Q Were any thermocouples placed at or near the
24 bearing assembly?

25 A I don't specifically recall. I would have to

2 refer to my photographs to verify that, or
3 actually, I can -- I may be able to have you
4 pull up one document that might give me a
5 shortcut to that.

6 (Discussion held off the record.)

7 BY MS. NICOLSON:

8 Q Back on. I think --

9 A Was there a question?

10 Q I'll ask it again. Before we went off, Mike,
11 and we searched your test data, my question
12 was: Were there any thermocouples in testing
13 placed in the area of the bearing assembly?
14 Do you know the answer to that now?

15 A Based upon documentation, no, there was not a
16 thermocouple on the bearing assembly.

17 Q To answer that question, we looked at a
18 folder called Test DAQA.xls, correct?

19 A That's actually Test18 DAQA.xls.

20 Q And you directed me to the chart on the
21 right-hand side of the graph that gives me
22 the locations, TC1 through TC8, of where the
23 thermocouples were placed?

24 A That's correct.

25 Q Then I take those locations and I would or I

2 could go to the data folder and a look at the
3 data for each location?

4 A That's correct.

5 Q With regard to -- off the record.

6 I'm done with temperature. Do you want
7 to go to airflow?

8 A It's up to you.

9 MS. NICOLSON: Let's break now.

10 (Whereupon, the luncheon recess was
11 held.)

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2 A F T E R N O O N S E S S I O N

3 Q Tell me about the airflow testing that you
4 did.

5 A What would you like to know about the airflow
6 testing?

7 Q Everything that you would like to tell me
8 about it.

9 A We have done airflow testing to we see what
10 the normal operating conditions were, the
11 exhaust restrictions, difference size loads,
12 et cetera, similar to our thermocouple data.
13 Actually, the majority of the data was
14 recorded at the same time.

15 Q Majority of the data that we looked at for
16 temperature data?

17 A That's correct.

18 Q Was the airflow testing just one test or
19 multiple tests?

20 A Multiples test.

21 Q On one day?

22 A Regarding our data, yes, all of it was
23 recorded on one day using three different
24 dryers if I remember correctly, two electric
25 and one gas.

2 Q When you say you tested to determine the
3 normal operating conditions, what are you
4 referring to?

5 A Again, baseline airflow data of a dryer with
6 zero restriction in the exhaust with multiple
7 restrictions using different size loads.

8 Q How did you monitor the airflow?

9 A We used a volumeter.

10 Q Where was it placed?

11 A It was placed in the exhaust duct, and all
12 three were ducted. And the placement of the
13 instrument was the same on all the testing.
14 We had to manually record that because there
15 was no data acquisition, so those were
16 documented using photographs, and then we
17 were converted into a spreadsheet note based
18 on the notation. And that's for that group
19 of testing we were describing before.

20 Actually, let me go back a step and talk
21 about the temperature of testing. The
22 alternative design testing, we also did test
23 on an Electrolux gas model, a GE electric,
24 and a GE gas model. Evidently, we have not
25 completed the Electrolux electric model, but

2 all of those also have some baseline data as
3 well.

4 Q In the same folders we were in earlier?

5 A Regarding the Electrolux one, it would be in
6 the Ronco 3 folder, and what that entails is,
7 as part of our design change our proposed
8 design change in regard to designing guards
9 for safety, what we did was we had to
10 establish that the performance
11 characteristics of an unaltered dryer, which
12 were similar to that of our dryer that had a
13 difference in design, so there is some data
14 in there too.

15 Q I'm not sure I understood that. Let me just
16 get to where you're talking about. I'm into
17 the alternative design folder in your hard
18 drive.

19 A Open up the Ronco 3 folder and go to Ronco 3
20 test data. That has some test data regarding
21 airflow. For instance, if you look at the
22 lowest item on the screen it says gas
23 baseline 12/8/09. That also would be some
24 baseline data for some tests that we did.

25 Q In this folder I see Electrolux gas Tests 1

2 through 18?

3 A Yes.

4 Q It's all done on a gas Electrolux dryer?

5 A Yes.

6 Q And this is done on 1/27/09?

7 A 12/16/09 and various other dates.

8 Q All through December of '09, correct?

9 A Yes.

10 Q Is this the same testing that you described
11 when we were talking about the temperature
12 testing that was on 11/20/08? Is it a
13 continuation of that testing?

14 A In regards to the baseline testing on an
15 unmodified dryer, it would be substantially
16 similar.

17 Q But it's not part of the first testing; it's
18 separate?

19 A Correct.

20 Q And it's similar in that you placed the
21 thermocouples in the same locations?

22 A No, the airflow would be similar. For this
23 particular testing we used a different
24 instrument that had a built in -- we were
25 specifically looking at the specific test on

2 the tests as we were about efficiency in
3 drying time and airflow characteristics.

4 Airflow is the same. The temperature is not.

5 Q So I got it now. So in this test folder that
6 we're in now, there is some temperature data?

7 A Yes.

8 Q But it's not the same type of temperature
9 testing as the 12/28/08 DES?

10 A Correct. It's not as extensive.

11 Q One thermocouple?

12 A It's a temperature reading that's taken as
13 part of a meter.

14 Q One measurement?

15 A We go through various tests. This one,
16 again, without looking at the set of notes
17 in-depth, I believe we did apply a standard
18 restriction of maybe 25 percent off the top
19 of my head.

20 Q Why did you choose that?

21 A Because 25 percent is a number that we picked
22 that said most dryers by the time you add an
23 exhaust to it has a reasonable potential for
24 it to be about a 25 percent restriction or
25 reduction in airflow based on its exhaust

2 characteristics.

3 Q Segwaying out of the temperature piece of
4 this and going back to the airflow
5 discussion?

6 A Yes.

7 MS. NICOLSON: Off the record.

8 (Discussion held off the record.)

9 Q Mike, with regards to the airflow test that
10 we're talking about, can you direct me to the
11 folder in the hard drive where all of that
12 airflow data is?

13 A In regards to baseline airflow testing?

14 Q Let's start with that.

15 A Baseline airflow testing would be in multiple
16 locations of the hard drive. Some of the
17 baseline testing we'd use for gas would be in
18 the Ronco 3 test data section, and the
19 majority of the airflow data for multiple
20 platform, electric and gas, would be in the
21 November/December, 2008 testing.

22 Q In a separate folder?

23 A Yes.

24 Q And I'm in that November/December folder now.
25 Where would I find that test?

2 A That would be the last folder, which is test
3 notes and setup and data.

4 Q Got it. Okay. All right. Now, what was the
5 purpose -- why did you want to know what the
6 normal operating tendencies as to airflow
7 was?

8 A Well, I mean it's really the test procedure,
9 I mean, there are so many different tests, I
10 don't want to generalize them. If you look
11 at our setup notes, it basically contains the
12 protocol through which we follow, which
13 includes the way the thing was set up, how we
14 ran it and kind of the reason why I ran it
15 and what the basic summary of results were.

16 Q Okay. I'm in the dryer test summary. Is it
17 in this document?

18 A Yes, it would be in that.

19 Q Can you tell me where to go for it?

20 A Again, each test -- and some of them are
21 grouped grounds in batches, but just stop
22 right there. Looking at the outline of our
23 test form here, where we talk about
24 everything at once, each section would be the
25 title of the test, what test numbers they

2 were. For instance, on the screen right now
3 is 8 to 12, what type of it testing were.

4 This was airflow testing. The
5 photographs from that group that pertained to
6 that testing data, the purpose of the test
7 and the procedure of the test, and if you
8 scan down, there may be some results, I
9 believe, in a summary of results.

10 Q And I'm going to ask you generically, and I
11 understand that you took baseline
12 measurements and airflow measurements with
13 regards to other types of modifications to
14 the dryers operationally, correct?

15 A Yes.

16 Q As a general statement, why were you
17 interested in airflow, these airflow
18 measurements?

19 A We wanted to see what effects different
20 factors in the operation of dryers would have
21 affects on airflow characteristics.

22 Q Okay. When you were modifying the
23 restriction or the amount of restriction, how
24 did you do it?

25 A We used an external exhaust consisting of a

2 90-degree elbow and a section of 4-inch rigid
3 duct. We used different pipe caps with a
4 percentage of the material removed from the
5 end of the cap, similar, 25, 50 percent, 75
6 percent, 100 percent restrictions on the
7 ducts.

8 Does that answer your question?

9 Q What did you learn with regard to airflow
10 that affects your opinions, if at all, with
11 regard to lint accumulation?

12 A Well, the airflow testing is a portion of the
13 lint accumulation. There is other factors
14 involved in this. However, we learned that a
15 large load -- this is just an example. I
16 mean, there's lots of stuff we probably
17 learned.

18 An example is a large load is equivalent
19 to approximately the same physical
20 restriction of the exhaust of like for
21 approximately 30 percent.

22 Q Okay.

23 A That's just an example.

24 Q Did you learn anything in the airflow test
25 that would impact or support your opinions

2 with regard to lint accumulation in the
3 dryer?

4 A Yes.

5 Q And what was that?

6 A That there's numerous factors involved that
7 may change airflow that was allowed for the
8 accumulation of lint to vary between
9 different circumstances.

10 Q How did you learn that from this testing?

11 A By comparing different factors that we
12 applied to a dryer under certain conditions,
13 whether it be a combination of conditions or
14 individual conditions.

15 Q How from that -- and I'm not trying to be
16 dense with you, Mike, but how from that
17 airflow data, the one measurement from the
18 exhaust, did you learn about lint
19 accumulation in the dryer?

20 A It's not solely based on our airflow testing.
21 The difference in airflow, the changes in
22 airflow in the testing that we performed are
23 something that we utilized when we examined
24 the dryers for the end product of our
25 conclusions. It's a factor. Airflow is

2 factor, and that's essentially what we're
3 testing.

4 Q Tell me what it is about that factor that
5 relates or impacts lint accumulation.

6 A That exhaust restrictions change airflow;
7 that loads change airflow; that a combination
8 of other factors of the use of the product
9 have different outcomes in regards to changes
10 in airflow.

11 Q And what are those other factors in use?

12 A The lint screen, the loads, again the
13 exhaust, pretty much everything we talked
14 about.

15 Q Have you ever done a test to -- have you ever
16 tested lint accumulation in an Electrolux
17 dryer?

18 A Well, throughout our testing, we've seen and
19 documented accumulation of lint to some
20 degree during our testing, and we have also,
21 I guess, you'd include it in data that we
22 have.

23 Q Taking aside the exemplar analysis, you mean
24 dryers related --

25 A Other instances where you're talking about

2 fires?

3 Q Fire.

4 A No, we're talking about real-life dryers as
5 far as used dryers, my own personal dryer,
6 damaged and undamaged dryers.

7 Q Burned and unburned?

8 A Yes.

9 Q Setting those aside, what testing have you
10 done wherein you documented lint
11 accumulation?

12 A Specifically, the airflow testing is the only
13 testing that has any correlation to the best
14 of my recollection with lint collection.

15 Q Where would I go in this test folder or in
16 any test folder that tells the airflow
17 testing to see documentation about lint
18 accumulation?

19 A In the photographs that relate to this
20 testing.

21 Q Tell me where to go, where I'm going to find
22 what you're talking about.

23 A Well, it's all listed in the test summary
24 document. If you actually go back into the
25 main Electrolux November/December testing,

2 all of the individual tests that were done in
3 November and December is 43 total, even one,
4 depending on the test, again the airflow
5 ones, you know, throughout that we generated
6 some lint that was collected there. That
7 would be part of it.

8 And then also some of our baseline
9 testing for our design alternative would
10 probably have some photos for lint
11 accumulation.

12 Q Point me directly to the photos in this file
13 that show me the lint accumulation test that
14 was a biproduct of the airflow testing or I
15 should say lint accumulation data that was a
16 biproduct of the airflow testing?

17 A We have photographs of the dryer. I can't
18 specifically point out ones without going
19 through each individual folder, which is a
20 pretty big effort. Like I said, each group
21 of tests has a group of photographs set aside
22 that relate to that testing.

23 If we want to through each individual
24 airflow testing, we can look at all the
25 photographs, and I might be able to pick one

2 or more out of those photographs. It would
3 be pretty time-consuming. We're not using
4 those specific photographs as actual test
5 data where we're doing a lint test.

6 Q No, but when I asked you about lint, if
7 you've ever tested for lint accumulation,
8 you've directed me to the airflow testing,
9 correct?

10 A That's part of it. That's a result of our
11 airflow testing. Maybe I misunderstood your
12 question. Try it one more time on that.

13 Q Sure. Have you or The Wright Group, not
14 involving you, ever tested for lint
15 accumulation in Electrolux dryers?

16 A No.

17 Q Now, earlier, I think if I understood you
18 correctly -- and you correct me please if I'm
19 wrong -- you did say that you obtained data
20 with regards to lint accumulation in the
21 airflow testing that we spoke about earlier?

22 A That's correct in the fact that anything that
23 we -- that comes across during our setup,
24 disassembly, resets up or follows's different
25 tests, if we find something that we see as a

2 condition in the dryer, we are going to
3 document it as a photograph, and it's a
4 condition that we're looking at as part of
5 the data that we realize we need.

6 Q In conjunction with that airflow testing, did
7 you find data or conditions that you
8 documented showing or establishing your
9 theory that in Electrolux dryers lint
10 accumulates near the heat source?

11 A I would say there probably is some
12 photographic documentation of lint directing
13 on the back of the drum and such, but the
14 majority of our opinions are based on the
15 examination of exemplar dryers in regards to
16 lint accumulation. No specific testing has
17 ever been done here on that.

18 Q In this folder, in any folder, test folder
19 that you have, do you have photographs of
20 your airflow testing showing the lint that
21 you say is accumulating in the Electrolux
22 dryers at or near the heat source?

23 A There may be.

24 Q I'm not trying to put you through hell, but
25 I'm going to need you to tell me where they

2 are.

3 A We'd have to look through each individual
4 folder again in the airflow testing if we go
5 back to the notes.

6 MS. NICOLSON: Off the record.

7 (Discussion held off the record.)

8 Back on.

9 THE WITNESS: In going through the
10 photos, I don't see any specific photographs
11 that we could rely on in this group of test
12 data that would show any lint that had
13 accumulated on there. To reiterate, the
14 purpose of the testing was not for lint
15 accumulation testing. It was just for
16 airflow and some other testing for fire
17 testing and airflow testing.

18 Q Just to be clear, there are no other tests
19 that you did or that The Wright Group did
20 that test for accumulation of lint?

21 A Not specific tests.

22 Q I should say no tests. We wouldn't find
23 that -- stop. Do over. There are no
24 tests -- if we don't find what we're looking
25 for with regards to lint accumulation in the

2 airflow testing that you did, there's no
3 other testing that you or The Wright Group
4 did that would evidence accumulation of lint
5 in Electrolux dryers?

6 A That's correct. We've not done any specific
7 lint accumulation testing. Any other data
8 that we would rely on would be to other
9 items, such as exemplar analysis.

10 Q Now, we talked about earlier that you did do
11 this operational-type testing on other
12 dryers.

13 A Yes.

14 Q And specifically, you told us that you did
15 airflow testing, temperature testing and
16 components flammability and high limit
17 testing with regard to other dryers as well,
18 correct?

19 A That's correct, depending on the type of
20 dryers.

21 Q What other dryer manufacturers did you test?

22 A In general or do you want --

23 Q Specifically.

24 A Well, I mean in regards for each type of
25 testing that we have done, each category?

2 Q Yes.

3 A The majority of other similar testing as far
4 as temperature and airflow has been conducted
5 on General Electric. Flammability testing
6 would be on General Electric, Whirlpool,
7 MayTag, and then the high-limit testing would
8 be general high limit testing for devices in
9 use for all dryers in the marketplace.

10 Q Is the high-limit testing the same that you
11 referenced with regards to the Electrolux
12 dryers also?

13 A Yes, it's a standard-type unit that would be
14 common to all dryers.

15 Q With regards to the Electrolux dryers and the
16 components flammability testing, how do you
17 test the components?

18 A Very simple test. Just applying flame to
19 plastic components and components that may or
20 may not be combustible.

21 Q Which components did you test with the flame?

22 A The blower housing, the fanning impeller, and I
23 can't think of any others off the top of my
24 head. Maybe the trap duct or blower housing.
25 All the plastic components basically.

2 Q When you say the trap duct, are you talking
3 about the lint screen, the grate that goes
4 across the top of the lint screen?

5 A Essentially both.

6 Q And what do you call that?

7 A Well, the lint screen, the lint trap, the
8 trap duct, the blower housing and the fan.

9 Q And what do you find?

10 A That they're flammable when flame is applied,
11 and it's consistent with our known data that
12 it's HB rating on plastics.

13 Q Do you know which HB rating it is?

14 A I do not know the details of exactly the
15 plastic, not off the top of my head. I know
16 I've read it in documents.

17 Q Is it your opinion that all the plastics are
18 the same?

19 A Well, the plastic composition maybe
20 different, but as far as the fire inhibitors
21 in them, I believe all those components have
22 generally the same characteristics.

23 Q So you believe the flammability for all these
24 components is the same, the flammability
25 rating, I should say?

2 A To the best of my recollection, yes.

3 Q With regards to the high-limit testing, tell
4 me how that test -- back up for the
5 flammability testing. All the photographs
6 for that testing are contained on this hard
7 drive?

8 A There may be some in there. I wouldn't even
9 know where to look. I know that some of it
10 has been tests that we've done that probably
11 wasn't specifically documented but could
12 easily be produced.

13 MS. NICOLSON: Off the record.

14 (Discussion held off the record.)

15 BY MS. NICOLSON:

16 Q Mike, just to recap our discussion off the
17 record, there may very well be this
18 flammability data and photographs on this
19 hard drive, but I didn't see it in my review,
20 granted there's tons and tons of information
21 here and maybe I missed it. But if you could
22 make sure you produce to us the photographs
23 and test data?

24 A Again, I'm not sure how much of this is
25 physically documented. I know we've done the

2 testing. To what degree, it's not an easily
3 thing done. Some of it may have been done.

4 Q I'm only interested in what you've done up
5 until this point so there is no request or
6 attention for you to be --

7 A The test has been done. I just don't know if
8 the documentation is available, whether it
9 was misplaced or not properly documented in
10 the first place.

11 MR. HOPKINS: If the testing exists --

12 MS. NICOLSON: Mike will give that to
13 you, and you'll give me an explanation as to
14 what Mike find or doesn't find. Fair enough?

15 MR. HOPKINS: To the extent he can give
16 me an explanation.

17 MS. NICOLSON: Off the record.

18 (Discussion held off the record.)

19 BY MS. NICOLSON:

20 Q Going to the high-limit testing --

21 A Yes.

22 Q -- tell me when that was done.

23 A I don't recall the time period when that was
24 done. It was relatively recently within the
25 past year.

2 Q And who did the testing?

3 A That was conducted under the direction of
4 myself and Ron Parsons, but John Downey, one
5 of the other employees here, actually
6 conducted the bulk of the testing.

7 Q You mentioned his name earlier. He's one of
8 the mechanical engineers?

9 A Yes, he is.

10 Q And what manufacturer's high-limit switch was
11 tested?

12 A Todd.

13 Q Only one manufacturer?

14 A Yes, they were actually the same parts from
15 an Electrolux dryer. We actually ordered an
16 Electrolux part. It was for an Electrolux
17 electric automatic resettable high-limit
18 safety device.

19 Q And it was done here in this facility?

20 A Yes.

21 Q Photographs memorialized the testing?

22 A Yes.

23 Q Is there a protocol for the test?

24 A I believe there is a written protocol. I
25 know there was a discussed protocol. I

2 believe we had a test and protocol written
3 up. If not, it may be memorialized in a hard
4 drive somewhere.

5 Q Do I have that protocol and these test notes
6 on this hard drive?

7 A I did not see them.

8 Q If we don't find them, I'm going to make the
9 request now that you provide that, written
10 test notes and any photographs to us.

11 MR. HOPKINS: Mike, for the high-limit
12 data, did you rely on that in forming your
13 opinions in this case?

14 THE WITNESS: In this particular case,
15 no.

16 BY MS. NICOLSON:

17 Q Tell me where I go to look for that, Mike.

18 A If you go back to the main folder, I believe
19 it's all in there. It's not in there. I
20 think, as Mike described it, we have it on
21 our internal system. We definitely have
22 photographs of it. Whether or not it's
23 written up in a Word document, I'm not sure.
24 We didn't produce it in this case, because it
25 wasn't part of our data to form the opinions

2 on this one.

3 Q Okay. Why isn't it part of this case?

4 A We did not do an examination on the
5 high-limit switch in this particular case as
6 the dryer had already been previously
7 examined jointly by another expert and
8 Electrolux, and for us to do that without the
9 presence of Electrolux may have raised
10 spoilation issues.

11 Q Why do you look at the high-limit
12 thermostats, assuming -- is that something of
13 every inspection if all parties are present?

14 A If all parties are present and it is agreed
15 upon.

16 Q How does the high-limit thermostat work?

17 A The high-limit thermostat essentially, it's a
18 mechanical device that opens a pair of
19 contacts when a temperature is exceeded in
20 the location of the high-limit device.

21 Q And did that show changes in airflow?

22 A When the temperature is abnormal in that
23 particular area, then the switch activates
24 and opens up the contacts, and as the
25 contacts open, there is a parting arc which

2 degrades the contacts and repeated over time
3 can show varying conditions of that.

4 Q And when you say the airflow or the
5 temperature changes, you mean it increases?

6 A Yes.

7 Q So give me the theory. How does the theory
8 work, the higher the temperature, the what?

9 A The theory in the dryer -- I'll use an
10 Electrolux dryer as an example, and I'll even
11 use an Electrolux electric as an example.
12 There is three thermal devices in there. One
13 is the operational thermostat on the blower
14 housing. The second is the automatic
15 resettable high-limit safety device, which is
16 mounted at approximately the 1 to 2 o'clock
17 position of the heater housing, and the third
18 is a what we refer to as one-shot temperature
19 safety device, which is attached to the rear
20 cabinet in the upper rear wall.

21 The regular temperature of the drum
22 contents are normally controlled by the
23 operational thermostat. If there is a change
24 in airflow that results in an increase in
25 temperature in the heater housing, which is

2 what the automatic resettable safety
3 monitors, then the automatic resettable
4 high-limit safety switch will open up and
5 de-energize the heating element. Contacts
6 will close, and heating elements will kick
7 back off.

8 Q When you have restricted airflow, what's the
9 ramification of restricted airflow on?

10 A It's not necessarily just restricted airflow.
11 It generally is restricted airflow that does
12 it, but it could be on the intake or output
13 side. And what that does is creates higher
14 than usual temperatures in the heater
15 housing.

16 Q Do you know at how many cycles the test was
17 run?

18 A We did it at multiple cycles.

19 Q Like was it at 1,000, 10,000, 5,000?

20 A We haven't got that far in the testing yet.
21 We have not had the resources to do that. We
22 need to build a repeatable machine.

23 Q Why haven't you tested for lint accumulation?
24 You've done these other tests, but not for
25 lint accumulation strikes me that you have a

2 lint accumulation theory. Why haven't you?

3 A Again, feasibility of testing that is
4 extremely difficult, because there is a lot
5 of variables involved. There is enough
6 physical evidence and data that can be
7 acquired from a dryer in the field.

8 Q Is it your opinion that you don't need to do
9 the testing or that you would do it if you
10 had the resources and the money?

11 A If money and time were no object, I would
12 like to do that testing, but it's not
13 feasible.

14 Q Are you aware of the testing that Electrolux
15 has done with regard to lint accumulation?

16 A Yes.

17 Q And have you reviewed that data?

18 A Yes, to the extent that it has been produced
19 up to today's point and up to certain cases.

20 Q Have you reviewed the protocol?

21 A Yes, I have.

22 Q And do you believe the protocol is an
23 acceptable protocol to test for lint
24 accumulation?

25 A Do you have the protocol to take a look at by

2 any chance? If you don't, I'm sure I could
3 go and find it.

4 Q I don't have it, Mike. Do you have it?

5 MR. HOPKINS: Was it part of a report?

6 MS. NICOLSON: There's something like it
7 in the report. Do you have it in your file?

8 THE WITNESS: I know I've seen it in one
9 file.

10 MS. NICOLSON: It's the Schantz file.
11 Off the record.

12 (Discussion held off the record.)

13 BY MS. NICOLSON:

14 Q The question, Mike, is: Is the Electrolux
15 for a freestanding electric dryer lint
16 accumulation test protocol an acceptable
17 protocol to test for the accumulation of lint
18 in a freestanding electric dryer?

19 A Right off the bat without even reviewing the
20 protocol, I mean I can see where Mr. Bajzek
21 and Mr. King or whoever else may be involved
22 in this protocol, that they used some
23 scientific methods and some repeatability in
24 the protocol, but as far as my evaluation,
25 there is other changes that could be made in

2 this protocol.

3 Yes, it's not set in stone. It's not a
4 standardized protocol. It uses some elements
5 from AHAM and ASTM in it. It's a protocol
6 they developed. If we were to do the same
7 testing, we may do a slightly different
8 protocol.

9 Q I'm asking you if you have any criticisms of
10 this testing as it was completed by
11 Electrolux and Mr. Bajzek?

12 A Specifically, in regards to their
13 determination as to the appropriate blockage,
14 I understand the usage of the standard AHAM
15 cone that was used to simulate, I believe,
16 two 90-degree elbows and a certain length of
17 exhaust as being a standard exhaust
18 restriction. In this report they refer to it
19 as minimum proper airflow in their properly
20 installed dryer.

21 AHAM standards are or the AHAM document
22 anyway that came up with this is based upon
23 manufacturer's input and such. I agree with
24 that part in the fact that it's a
25 standardized thing for industry dryers, but

2 the 85 percent blockage, the other
3 modification they used, I don't know what
4 numbers were used so I would need further
5 information to really evaluate that and see
6 if I find that that's appropriate.

7 Q Okay. Any other criticisms?

8 A Again, the same thing as far as the selection
9 of the load is standard. I agree that the
10 load should be consistent. I don't
11 necessarily agree that it's a fair and
12 accurate representation of how a normal
13 clothes or real-life clothes load, subject to
14 different types of materials, different wear
15 and tear.

16 Another point is -- I believe it's in
17 here somewhere -- they say that all loads
18 will be replaced periodically as they aware
19 to simulate typical household use of the
20 loads. I don't know what or where they get
21 that information from. Specifically there's
22 many, many variables in the production of
23 lint. I don't know if you even can cover all
24 these in the protocols, but different factors
25 that affect a collection of lint are not

2 specifically addressed in this protocol that
3 may or may not have a result on the testing.

4 Q What would those factors be?

5 A How the clothes themselves are subjected to
6 wear and tear; the fact of different clothes
7 that are used in there; the amount duration
8 of the wear; the types of laundry detergents
9 that are used used, specifically one type of
10 laundry detergent. Different water qualities
11 may have different effects on them. There is
12 multiple variables that are aren't acted for
13 in this protocol.

14 Q And those variables are concerning the water?

15 A Water quality, hardness, chemicals in the
16 water; is it well water; is it city water; do
17 they use dryer fabric sheets.

18 There are so many different variables
19 involved in doing this that one of the
20 reasons why we have not formulated a protocol
21 to do it, because it's a monumental task to
22 do so in many different degrees.

23 Q When you look at these burned and unburned
24 dryers, the exemplar evidence that you have
25 relied upon in large part in formulating your

2 opinions, when you look at them, do you
3 investigate those factors as to each dryer's
4 usage during its life?

5 A No, we can ask certain questions, but to
6 actually simulate or to find out exactly what
7 was washed when, what type of clothes was in
8 there, we'd have to have the exact history of
9 every load and every condition subject to
10 recreate.

11 Q You're criticizing the Electrolux test for
12 not defining these variables, but in your own
13 evidence upon which you base your opinions,
14 the Electrolux design is bad and it
15 accumulates lint near a heat source? You
16 don't ask for these variables to any of the
17 users?

18 A To us, the stress and importance of our
19 variations is that, in fact, the physical
20 evidence does accumulate here. There may be
21 variables of how much lint accumulates there,
22 but in dryers of usage taken out of
23 real-world situations with multiple different
24 factors that the clothing loads are dried in,
25 these dryers that are subjected to that, we

2 are seeing a huge preponderance of lint
3 collection in this particular design of
4 dryers Electrolux, GE, Camco Mabe, that the
5 lint accumulates in the heat source. There
6 is still lint that collects.

7 Q In the exemplar dryers that you rely upon,
8 you don't use anything about their
9 detergents, correct?

10 A I have recently started asking users about
11 their detergents.

12 Q It's not on the questionnaire form?

13 A Again, the difference between a dryer expert,
14 such as myself that may have more knowledge
15 about this -- and we have an updated form --
16 is to do more definitive work. Our point
17 behind the questionnaire is a guideline, more
18 so for the use of other investigators to get
19 the basic information that we would like up
20 front, and at this point in time or when the
21 time occurs to follow up with additional
22 questions, if we have the opportunity to do
23 so, we would like to get it.

24 Q You don't ask about well water?

25 A No.

2 Q You don't ask about hardness?

3 A No.

4 Q You don't ask about fabric softener?

5 A No, we don't.

6 Q But yet it's your opinion, as you sit here
7 today, that all of those facts are criticisms
8 of the Electrolux accumulation testing
9 because Electrolux didn't account for those
10 variables?

11 A That's incorrect. You asked me about
12 problems I have with the protocol.
13 Ultimately, our determination based upon our
14 exemplar analysis is the real-world
15 conditions, the aftereffects of the usage.

16 There's physical evidence of lint in the
17 dryers that we look at that is in proximity
18 to the heat source, which is based upon the
19 design of this particular style of dryer, and
20 it's common to all of these dryers. Again,
21 we can't track all the various -- what's the
22 word I'm looking for? All the various
23 factors that may lead to the whole, because
24 there are a lot of different variables
25 involved such as the things I suggested.

2 The ultimate determination by me and by
3 Mr. Parsons, who I work with all the time, is
4 that ultimately there is enough physical
5 evidence in all these dryers that we have
6 examined that lint does collect near the heat
7 source. What the varying factors are that
8 makes it so, we look at the design as a
9 whole, but generally, we're looking at the
10 way the dryer is laid out. And the airflow
11 that goes through it allows that lint to
12 collect at the back of the drum in proximity
13 of the heating element, the gas burner.

14 When that lint remains after a fire or
15 in a used dryer we have taken from the field,
16 that's clear physical evidence that lint
17 accumulates near the heat source.

18 Q Do you have any other criticisms of the
19 Electrolux testing?

20 A Upon my brief review, nothing that stands
21 out. I mean, they do show -- their testing
22 shows the difference in lint accumulation. I
23 think it actually supports our theory that
24 lint accumulates behind the drum in proximity
25 behind the heat source. It's more in the

2 dryers in their protocol they have had
3 greater accumulation as far as the
4 restriction goes, but that factors in the
5 lifetime of the use of the dryer.

6 Q When you say there's photographs that support
7 your theory, are you speaking about
8 photographs of the restricted dryer or the
9 acceptable airflow dryer?

10 A In the restricted dryer, there's charred
11 lint. I would have to just look at the
12 photographs to refresh my memory.

13 Q Could you go ahead and take a moment to do
14 that?

15 A This photograph here, which is provided under
16 Electrolux's test data of a normally
17 restricted dryer, shows the rear of the drum,
18 and it shows lint that is collected on the
19 rear of the drum around the bearing assembly
20 and in the baffle.

21 Q Can you give me a photograph number and the
22 cycle?

23 A The date of the photograph 12/7, 2010, No. 14
24 FS E N BODD. That's an example of lint
25 collected on the back of the drum which is a

2 proximity to heat source, and also this
3 photograph, which I'll list in a second and
4 give you the file name in a second shows lint
5 accumulating in and around the bearing at the
6 center of the heater housing. And that
7 photograph is 12-07-09 No. 17 FS EN PHD 2.

8 Q Any other photographs that you believe
9 support your theory?

10 A In regards to the only restricted electric
11 dryer photographs, no, there is nothing in
12 this batch.

13 Q Any other criticisms of the testing?

14 A I think I've covered it.

15 Q Are you -- I appreciate that neither you nor
16 The Wright Group has done lint accumulation
17 testing and for all the reasons you
18 explained. I'm with you on that.

19 Are you aware of any other expert or
20 group, entity that has done lint accumulation
21 testing that shows lint accumulating near the
22 heat source in support of your theory?

23 A I'm not aware. The only other groups that
24 may have potentially done it may be Travelers
25 or Jack Sanderson's lab.

2 Q But you're not aware of any?

3 A I have not seen any specific data that shows
4 that.

5 Q Have you had conversations with Jack
6 Sanderson that shows his inability to
7 reproduce that?

8 A I can't specifically recall any specific
9 discussions. I know we discussed the lint
10 accumulation testing. I think Jack may have
11 done some. Ron may have done that, but I
12 have not.

13 Q With regards to your burned and unburned
14 exemplars, can you come back to my hard
15 drive, Stoddard 7, and take me to where I'm
16 going to find those burned and unburned
17 exemplars?

18 A I believe the only information on your hard
19 drive is our test data. So your hard drive,
20 I don't believe would have -- unless there's
21 other folders on there that I can't see,
22 there is only those four folders. It's not
23 on that hard drive.

24 Q In the Schantz case, did you rely on your
25 unburned and burned exemplar examinations in

2 formulating your opinion?

3 A Yes.

4 Q And is there a reason why those photographs
5 of the burned and unburned dryers weren't
6 produced in this case?

7 MR. HOPKINS: Objection, because some of
8 the photos are in his actual report.

9 Q To the extent, Mike, -- and Mr. Hopkins is
10 correct there are six or seven exemplars
11 contained in your report. I'm aware, Mike,
12 through other cases that I have had with The
13 Wright Group that you have got 140 burned and
14 unburned exemplars. At least in the past,
15 you have relied upon those for support in
16 your opinions. Is there any reason it wasn't
17 produced in this case?

18 A I don't know. It wasn't intentional. I
19 believe they were requested from
20 Attorney Hopkins' office, and maybe it was a
21 mistake on our part or maybe the other end
22 that we produced the test data.

23 Q Can you supplement with those photographs?

24 A I have no problem.

25 MS. NICOLSON: Off the record.

2 (Discussion held off the record.)

3 THE WITNESS: In discussing this, I
4 don't know for what reason, but the photos of
5 our exemplar burned and unburned dryers are
6 not included on the external hard drive, and
7 we will produce all of our exemplar photos of
8 what we are going to produce up until today's
9 deposition date.

10 BY MS. NICOLSON:

11 Q My request isn't necessarily for photographs
12 that you are going to use at the trial of the
13 Schantz matter but for the burned and
14 unburned exposed photographs that you have
15 relied upon in forming your opinions in
16 relationship to Electrolux dryers.

17 A It's understood.

18 Q What information did you learn about the
19 history and usage of those dryers?

20 A It would depend on -- I'd have to go back to
21 the case files to look at specific details of
22 the history of the dryers. In some cases, we
23 know nothing about the dryer other than that
24 they were involved in fires. The unburned
25 dryers we purchased as used units from

2 appliance companies that was a trade-in
3 programs.

4 Therefore, we have no operational
5 history or service history or any other
6 history on those particular dryers. They
7 just present a real-world condition inside
8 the dryer on many variations of factors.

9 Q We talked earlier -- and I think I'm clear on
10 your testing, Mike -- that venting can impact
11 the accumulation of the lint in a dryer?

12 A Venting is one of the factors.

13 Q If you don't know how the product was vented,
14 how can you know if it was installed properly
15 such that it supports your theory that in
16 Electrolux dryers lint accumulates?

17 A In relation to the installation instructions
18 required by Electrolux, ultimately, these
19 dryers, when they have fires in them, this
20 happens from a lint accumulation standpoint.

21 I mean all dryers collect lint. All
22 dryers have heat sources. They're subject to
23 the potential of a fire. Because of our
24 examination of our exemplars, we can use our
25 physical evidence to describe that there is

2 lint accumulation that occurs within
3 proximity to the heat source which
4 significantly improves the possibility of
5 fire and the risks or hazards associated with
6 that.

7 Q We know you've done no testing, you or The
8 Wright Group or any other expert that you can
9 tell me today has done any?

10 A Maybe I misspoke before. I believe Jack
11 Sanderson may have. I don't have his data.

12 Q I'll agree with you that Mr. Sanderson has
13 done lint accumulation testing. He has not
14 done testing that has shown lint accumulation
15 at or near a heat source.

16 A Right.

17 Q Normally or appropriately installed and
18 maintained dryers collecting lint
19 accumulation, we don't have testing to
20 support that theory, correct?

21 A I believe the data supports that.

22 Q And the data is based on the burned and
23 unburned exemplars that you've examined?

24 A That's correct.

25 Q We also know that it's your opinion,

2 restriction of airflow, the type of venting
3 or other restriction of airflow, affects the
4 accumulation of lint in a dryer? You've told
5 me that earlier?

6 A Restriction of airflow is a potential factor,
7 but there are other factors.

8 Q We know that venting is a factor, but yet,
9 you're telling me that these burned and
10 unburned exemplars that you rely upon to
11 support your theory, you don't know in terms
12 of the dryer how it was vented, how it was
13 maintained, correct?

14 A Can you read back that question?

15 Q I'll ask it again. Read it back. I'm sorry.

16 (Reporter read question as recorded.)

17 A The unburned and burned exemplars show that
18 lint does accumulate within the heat source,
19 which in our opinion is a fact, regardless of
20 the use.

21 Q I'm clear on your theory. I got that part.
22 I'm asking you something else. You've told
23 me that venting, bad venting, restricted
24 airflow, can impact lint accumulation; it can
25 make lint accumulate more. You've told me

2 that. I got that part, right?

3 A Bad venting causes increased drying time,
4 which causes increased lint accumulation, one
5 of the factors.

6 Q But yet, you can't account for that factor in
7 the burned and unburned exemplars that you
8 rely upon to support your theory that lint
9 occurs in these places normally? It's not
10 the sole factor, but it's one fact for that
11 you can't account for, correct?

12 A That's correct.

13 Q And you also can't account for how the user
14 maintained the dryer? I mean, clean the lint
15 screen, you don't know that?

16 A That's correct.

17 Q And you don't know if the user serviced or
18 maintenanced the dryer in any way?

19 A In most cases we don't know, that's correct.

20 Q Yet you rely on these exemplars to support
21 your theory that in normal operation in
22 Electrolux dryers that lint accumulates at
23 the heat source?

24 MR. HOPKINS: Objection. You're adding
25 three things. You're adding to his opinion.

2 A Can we break down that same comment using
3 word for word even if she has to read it
4 back?

5 When you talk about normally exhausted,
6 normally installed dryers, properly
7 maintained dryers, I'm in no way suggesting
8 that these exemplars that we used in the
9 field are, in fact, properly installed
10 according to the manufacturers' instructions.
11 What I'm saying is that they are real-life
12 dryers that are subject to normal everyday
13 usage whether it be related to proper or
14 improperly installed based on the
15 manufacturers' recommendation.

16 Q Do you think that the manufacturers, all of
17 them, not just Electrolux, should design
18 products to be misused?

19 MR. HOPKINS: Objection.

20 A It's my opinion that when they design
21 products, they should account for this use.
22 That's part of the basic safety engineering
23 design. Human factors, you should understand
24 that people are going to ignore instructions.
25 People are going to misuse the product and,

2 if it's at all possible, to design a system
3 to create an engineering guard or safety to
4 prevent against those hazards and in the last
5 case to warn against them.

6 Q You're not an engineer, correct?

7 A No, I'm not.

8 Q And you've never had any manufacturing
9 experience, have you?

10 A In relation to?

11 Q Anything. Have you ever worked in a factory?

12 A Yes, I have.

13 Q What factory?

14 A I worked in for a company called Matec
15 Corporation, which designed and fabricated
16 and produced ultrasonic inspection equipment.

17 Q They're not on your CV, are they?

18 A No, they are not related to fire causing
19 origins.

20 Q When did you work for that company?

21 A It would have been prior to working at
22 Monadnock Security in the fire alarm
23 industry. So that would have been between
24 like 2001 to 2003, somewhere in that time
25 frame.

2 Q For two years, Mike?

3 A No, I didn't work there for two years. I
4 think I worked there a little over a year.

5 Q But just in this time frame?

6 A Yes.

7 Q Give me that company name again.

8 A Matec, M-a-t-e-c, located in Northborough,
9 Massachusetts.

10 Q And they manufactured --

11 A Ultrasonic inspection equipment.

12 Q For what industry?

13 A For all types of industries, inspecting train
14 wheels, airplane wings, helicopter blades,
15 all kinds of different things.

16 Q What was your experience with that company?

17 A I was involved -- I was under direct
18 supervision of a mechanical engineer in the
19 production of specialty devices.

20 Q So you worked for a mechanical engineer.

21 What did you do exactly?

22 A Helping milling out parts, working to
23 assemble prototypes and different things.

24 Q Did you ever design anything there?

25 A No.

2 Q Were you ever involved in the writing of any
3 warnings or instructions?

4 A No.

5 Q Did you ever test any of your products?

6 A Yes, as part of the process, we had to
7 essentially design a product for a specific
8 application and then test to make sure it
9 worked.

10 Q And when you say you helped this engineer to
11 mill parts, was that your job to mill parts?

12 A That was part of my job, was to do
13 fabrication and assembly and also to assist
14 with anything around the shop, including
15 testing as well.

16 Q Have you ever worked in any appliance
17 manufacturing facility?

18 A No.

19 Q Have you ever designed an appliance?

20 A No.

21 Q Tested an appliance other than your forensic
22 testing here at Wright Group?

23 A No.

24 Q Did you ever apply for a patent?

25 A No.

2 Q For Ronco 3 and 4, did anybody apply for a
3 patent?

4 A We have not. We've discussed it. I'm not
5 familiar with the patent process myself.
6 It's been brought up between other parties
7 more so in a joking fashion, I believe.

8 Q Have you ever been qualified as an expert at
9 trial in a case involving a dryer?

10 A No, I've never been in trial for a dryer
11 fire.

12 Q Is this your first deposition in a dryer
13 case?

14 A Yes.

15 Q Are you having fun?

16 A Yes.

17 Q You've now been very patient.

18 A It's not so bad.

19 Q Prior to working for Donegal, have you ever
20 been retained by Donegal or one of their
21 attorneys?

22 A No.

23 Q Have you ever worked with Mr. Hopkins or his
24 law office in conjunction with any legal
25 matter?

2 A We are working on other dryer fires.

3 Q With the Stutman office?

4 A Yes.

5 Q And what are they?

6 A I don't know those cases off the top of my
7 head. I believe there's approximately half a
8 dozen of them.

9 Q Are they in suit?

10 A I don't know the answer to that.

11 Q Are they with Mr. Hopkins?

12 A I believe so.

13 Q Yes?

14 MR. HOPKINS: Yes.

15 A To the best of my knowledge.

16 Q And do you have a list of those names
17 somewhere, Mike?

18 A I don't. I can probably produce one. We can
19 go through and find those.

20 Q Yes, I'd like to add that to your list of
21 documents to produce.

22 Coming back to your forensic testing
23 here at The Wright Group, there were two
24 other types of testing that you did at least
25 in general categories: Failure mode testing

2 and I'm assuming -- is that failure-mode
3 analysis-type testing?

4 A Yes.

5 Q And then this recreation type test where you
6 try to recreate the failure event?

7 A That's correct, or other physical evidence to
8 prove or disprove our hypothesis as far as
9 fire grows and spreads and fire development.

10 Q With regard to failure mode testing, tell me
11 what you've done with Electrolux dryers.

12 A We have done lint ignition in both gas dryers
13 and electric dryers.

14 Q And that testing, photographs and data is
15 included on this hard drive, correct?

16 A That's correct.

17 Q Can you direct me to the file folder where I
18 would find where that is?

19 A They're September, 2008, I believe, is the
20 gas dryer testing, and the November and
21 December testing would be the electric
22 testing.

23 Q And tell me how you did those tests. Let's
24 start with electric.

25 A The electric dryer was set up with viewing

2 windows so we could document everything with
3 video, and basically, we simulated lint with
4 accumulated areas where it's been proven with
5 our exposed analysis that lint accumulates at
6 the trap duct on the rear of the drum, on the
7 lint screen, and then through the use of a
8 copper tube inserted the back of the heater
9 housing.

10 Through the back of the dryer, we
11 inserted small bits of lint into a running
12 dryer where we video documented where the
13 lint was ignited by a heating element. The
14 burning lint or flames from the burning lint
15 was pulled into the rear of the drum, where
16 it ignited lint that was collected at the
17 rear of the drum, where it ignited the
18 clothes load. We used towels and also lint
19 downstream in the plastic trap duct area, and
20 that, in turn, ignited plastic components of
21 the dryer.

22 Q So go back to the part about how you inserted
23 the lint into the proximity of the heat
24 source, the heating coil.

25 A We had a tube inserted into the heater

2 housing so that we could manually insert a
3 piece of lint into the heater housing to
4 simulate a piece of lint.

5 Q Did you actually drill a hole through the
6 back of the cabinet to do that?

7 A Yes, and we inserted 3/8s diameter copper
8 tube in there.

9 Q When you pushed it in, where did you push it
10 in relation to the heating coil?

11 A You mean where is the tube located or where
12 did the lint --

13 MS. NICOLSON: Off the record.

14 (Discussion held off the record.)

15 BY MS. NICOLSON:

16 Q My question, Mike, is with regard to how you
17 inserted the lint through the back of the
18 cabinet into the proximity near the heating
19 coil, and you're going to direct me to
20 photographs that are going to show that to
21 me, right?

22 A We'll just have to find them. Do you want to
23 go off record to find them?

24 Q Yes.

25 (Discussion held off the record.)

2 Back on.

3 A Under the November and December testing
4 folder in the setup photos for test No. 30
5 shows the interior of the dryer as it's set
6 up for these burn tests. Photo 57 shows the
7 copper tube in its placement at approximately
8 the 9 o'clock position of the heater housing,
9 and that's the medium where we introduced
10 lint into the heater housing.

11 Q When you say lint, was it lint or cotton
12 balls?

13 A I believe for the majority of the test we
14 actually used lint from a lint screen. It
15 was roughly slightly larger than a pencil
16 eraser size, and we used a pencil to push it
17 through the tube.

18 Q How many times did you need to produce that
19 test to get the lint that you were shoving
20 through the tube to ignite?

21 A The lint to ignite the heating element, is
22 that your question?

23 Q Yes.

24 A It almost always ignited the heating element.

25 Q So almost always, it ignited the heating

2 element?

3 A Correct.

4 Q But didn't propagate?

5 A Correct.

6 Q In how many tries did it push through the
7 tube, ignite and go through the drum?

8 A I'd have to go back through all the data. In
9 some cases, we had some ignition behind the
10 drum and some smolder to the clothing load,
11 but test 43 is ultimately the test we had to
12 proceed in it, propagating all the way
13 through down and trapped up in the area and
14 then igniting the plastic.

15 Q Test 43 is the video?

16 A Yes, it's a nine-panel video.

17 Q I've seen it many times. Have you ever
18 done -- my question is: Apart from these
19 tests where you shoved lint into the back of
20 the -- through the back of the dryer onto the
21 heating coil so it fell onto the heating
22 coil, apart from those tests, have you ever
23 been able to recreate fire in an Electrolux
24 dryer with lint naturally occurring in the
25 dryer process, drying process?

2 A Using a real-life dryer, is that your
3 question? According to our exemplar, using
4 actual lint that's already in its original
5 condition unaltered.

6 Q Let me back up. Not using the lint that you
7 use to carpet the back of the drum or the
8 heating element where the lint screen is, not
9 that, but in a normally functioning
10 real-world dryer that you have tested, have
11 you ever been able to recreate this fire
12 vent?

13 A We have done it in a GE, which is essentially
14 the same design problem.

15 Q And tell me exactly what you did.

16 A The GE design is slightly different. They
17 had the same general principles apply to it,
18 but the components are designed differently.
19 The heating element is the same. The heating
20 element is in the same location.

21 What we did is we used a dryer that had
22 not been altered in any way. It was just a
23 lenty dryer. The only thing we did was add
24 the tube in the back of the dryer.

25 Q What do you mean, you put the lint in the

2 back of the dryer?

3 A For the initial -- maybe I misunderstood your
4 question, for the initial accumulation of
5 lint as far as a piece of lint dropping on to
6 the element in the electric dryer, no, we
7 have never tested it where we've run the
8 dryer and it's caught fire. It would be
9 unsafe to do so without proper supervision.
10 The logistics behind trying to do a test like
11 that is just remarkable. So we've always had
12 to introduce lint into the area we know it
13 collects at the heat source.

14 As far as adding other fuels to it or
15 staging the dryer in any other way, we have
16 had lint accumulate inside the dryer, be
17 ignited by a very small piece of lint that
18 we've introduced without setting it up or
19 otherwise disturbing the dryer.

20 Q So the fires that you have experienced have
21 all been with lint that you have introduced,
22 not with lint that's naturally occurred in
23 the life of a dryer and its drying process?

24 A The purpose of the General Electric test
25 where we did have fuel ignition with the lint

2 is that the lint that accumulates either in
3 the drum or in the heater housing is that the
4 lint that is known to accumulate there in our
5 exemplar analysis, it's going to go through
6 all the examples we have described in our
7 expert report. We have not done that while
8 running a dryer.

9 We have inserted a very small piece of
10 lint, but the rest of the fire ignition and
11 spreads in rads to the accumulation in the
12 dryer is consistent with an unmodified dryer.

13 Does that help any clarify your question
14 a little bit better?

15 Q The only fires you've experienced in your
16 testing are the ones where you've introduced
17 lint to the heat source?

18 A That's right or in proximity to the heat
19 source.

20 Q Okay. Have you ever tried to run a dryer for
21 whatever period of time would be necessary to
22 get lint to ignite without you having to
23 introduce it to the heat source?

24 A No, we haven't tried it. The probability of
25 it happening is definitely small. We don't

2 have the resources associated with running a
3 number of dryers for an extended period of
4 time in safe conditions to try to simulate
5 that.

6 Q Any other failure mode testing other than the
7 lint ignition testing?

8 A In regards to electric dryers?

9 Q Yes.

10 A We have done other failure mode testing. We
11 did some testing on another theory that was
12 out there as far as the blower housing fires,
13 the mechanical friction of plastic
14 components. We have done testing on that.

15 Q Friction theory is not part of this case?

16 A No, we didn't include it. We eliminated
17 that.

18 Q Anything else?

19 A In regards to electric dryers?

20 Q Yes.

21 A No, we have done lint ignition on gas dryers.
22 Let me just think of anything else that we've
23 done. In regard to lint ignition in electric
24 dryers, no.

25 Q Do I have all of the data and the photographs

2 and video associated with the lint ignition
3 testing associated with electric dryers on my
4 hard drive?

5 A Yes, you do.

6 (Whereupon, a brief recess was held.)

7 MS. NICOLSON: Back on.

8 BY MS. NICOLSON:

9 Q Mike, other than the lint ignition test, the
10 electric lint ignition testing and the gas
11 lint ignition testing that I am not asking
12 you any questions about today, is there any
13 other failure mode testing that was done on
14 an Electrolux electric dryer?

15 A No, I believe that covers all the dryer
16 testing.

17 Q I think I wrapped up that --

18 A Yes, you're correct.

19 Q The other area was failure recreation
20 testing.

21 A Right, and the only reason I pause on that
22 last one is because I don't know if the last
23 and final folder that is entitled Electrolux
24 burn test, depending on how you look at it
25 could be either or: Failure reanalysis or

2 failure recreation.

3 Q Which test have we talked about?

4 A The last burn test, the test 30 through 43
5 that was specific by lint ignition by lint
6 being ingested in. Other tests we were
7 talking about again, I don't know which
8 category it fits into in your description of
9 it, but the folder that's from testing on
10 9/14, 2007, Electrolux burn test 9/14, 2007,
11 used an electric dryer where we simulated
12 lint ignition by dropping it in behind the
13 heater housing. That was a test that was set
14 up with present lint in proximity to the
15 heater housing where we showed the
16 propagation or spread of fire.

17 Q I've opened up that folder. This test
18 involved cotton balls, correct?

19 A Yes, part of it. We used cotton balls to
20 simulate lint. We used an undamaged exemplar
21 dryer, and we set it up where we have similar
22 characteristics as to other testing that was
23 done in November and December of 2008, where
24 we have lint behind the drum where lint
25 normally collects. We simulated lint with

2 the use of cotton.

3 We have cotton in behind the heating
4 element, where it can get ignited by the
5 electric heating element, and the purpose of
6 this testing was to demonstrate that the load
7 can catch on fire and also to demonstrate the
8 burnt patterns associated with the plastic
9 components and the fire spread through the
10 dryer.

11 Q I have some questions about this test
12 actually, and I'm going to go back to
13 pre-fire photos. In photos 230 through
14 232 -- and I'm going to scan real quickly so
15 you can see what I'm talking about, Mike,
16 okay?

17 A Sure.

18 Q Let's go back to 230 and 231. I see this
19 area of discoloration around the 12 or 1
20 o'clock position on this dryer. What caused
21 that?

22 A I don't think we finalized opinion as to the
23 cause of that particular heat pattern. We
24 have seen it in multiple electric dryers. We
25 haven't done any specific testing to locate

2 that heat pattern. I don't know what caused
3 that heat pattern.

4 Q Where did this dryer come from that was used
5 in this test?

6 A That was purchased used from a used appliance
7 reconditioning store.

8 Q And you didn't have any information on its
9 usage prior to it getting to you?

10 A No.

11 Q No information on maintenance?

12 A None whatsoever.

13 Q Cleaning?

14 A No.

15 Q Did you test the dryer prior to -- for normal
16 operation prior to conducting this test?

17 A We did not set it up with thermocouples or do
18 any airflow testing specifically with
19 relation to our other dryer. We did make
20 sure it operated right and ran heated.

21 Q Did you test the thermostats to make sure
22 they were functioning properly prior to doing
23 this test?

24 A I don't know if it's documented. I can't
25 recall specifics. Most likely, we did. We

2 usually make sure that all the control
3 devices and safety devices in the dryer are
4 as is in good working order.

5 Q Flipping off of my screen and going over to
6 my data, can you direct me to some document
7 data or other, that would show that these
8 thermostats were tested in this dryer prior
9 to you conducting the test that is we see in
10 this folder?

11 A The only way we would document these tests
12 would be photographic representation. Also,
13 if there is any setup notes, it may have been
14 documented in that. I don't know if we have
15 specific written documentation. If you go
16 back one folder, I may be able to answer that
17 question. I don't believe they're only
18 photos. We actually have, I think, a written
19 protocol on this test.

20 Let's look through the pre-fire
21 photographs first, and you don't have to open
22 them up. You can just scan through. What
23 I'm looking for is just a picture of it.

24 Actually, let's go back one more folder
25 and check on that one says setup towels.

2 Scan through that. I don't see any specific
3 photo documentation that we tested that so, I
4 wouldn't be able to tell you if we tested
5 this, the operational thermostat or the
6 high-limit safety devices.

7 Q So now, I'm going back to the pre-fire photo
8 folder, and I did give the photo numbers 230
9 and 231. Now, I'm going to 279. Above the
10 discoloration, Mike, I see a crack in the top
11 of the heater pan. Do you see that?

12 A I do.

13 Q Do you know how that heater pan was damaged?

14 A I do not. That's how we received it. This
15 dryer again was purchased used from an
16 appliance reconditioning store, but it was
17 prior to them making any repairs or
18 modifications to the dryer.

19 Q What do you think could cause a crack in the
20 heater pan like that?

21 A Obviously, we have evidence of localized
22 heating from the heat pattern we have there.
23 I don't know if that has something to do with
24 mechanical damage on top of that or if it's
25 part of the heating process. It could be may

2 be one or other. I don't know the exact
3 reason for that.

4 Q Were you able to rule out that the damage or
5 this unusual heating pattern that we see did
6 not have any impact of the dryer such that
7 the dryer could be tested here?

8 A Again, it may not be documented in
9 photographs, but in order for us do this
10 test, we needed the dryer to be operating,
11 quote-unquote, normally. We didn't do any
12 specific recording of data to prove that,
13 other than plugging it in and turning it on,
14 make sure that it produced heat, the drum
15 rotated. We may have put a meter on it to
16 look at the high-limit safety device or just
17 blocked it completely to make sure the dryer
18 shut down properly.

19 Q But you don't recall what you did?

20 A No, I can't give you an exact representation
21 of that.

22 Q You'd agree this is a normal functioning
23 dryer?

24 A I agree there's something unusual that caused
25 that heat pattern. Whether the dryer was

2 normal and functioning at the time of the
3 test, I would disagree with that and say it
4 was operating.

5 Q What do you base that on?

6 A Again, plugging it in, running it, making
7 sure it produces heat, making sure it's going
8 to dry towels. If anything, this particular
9 heat pattern may have been the result of when
10 the dryer was originally in use. It didn't
11 seem to affect the operation in any way.

12 Q I'm going to take you back now to setup
13 towels folder, and if we go to No. 14, do you
14 see No. 14 here?

15 A I do.

16 Q And then it jumps to 343?

17 A Yes.

18 Q What happened to the photos in between?

19 A I cannot give you an answer to that. We do
20 have a problem if we use memory cards from
21 one camera to another, that could be a
22 potential issue. That's just an assumption.
23 I'm not going to make a firm statement as to
24 what happened to it.

25 Q Can you look for those photos and see if they

2 exist and weren't copied onto the hard drive
3 that I was given?

4 A I'll make a note to check on that and put
5 that on the list. I will look into that.

6 Q Thank you, Mike.

7 A I have noted it.

8 Q Now, Mike, do you remember how old this dryer
9 was that you used for this test?

10 A I have to look at the manufacturer's label on
11 it.

12 Q Where would you find that?

13 A It would be mixed throughout the photographs.
14 The easiest one is probably in the setup
15 folder -- I'm sorry. The pre-fire photos.
16 Right there, No. 3. The dryer was
17 manufactured in October of 2002.

18 Q And did you the test when?

19 A September, 2007.

20 Q So it's a five-year-old dryer?

21 A Yes.

22 Q Going back to setup towels and to No. 347,
23 I'm going to flip through a series of these
24 photographs, 347 to 355, and then I'm going
25 to come back and ask you the specific

2 questions. All of these photographs -- well,
3 the first one, Mike, 347, is the bag of
4 cotton balls, correct?

5 A Correct.

6 Q And then the remainder of the photos in the
7 series show the cotton balls stuffed between
8 the back of the drum and what I'm going to
9 call the baffle. What do you call it?

10 A I'll call it a baffle.

11 Q So you'll agree that the photographs depict
12 that, right?

13 A Yes.

14 Q And this is a five-year-old dryer?

15 A Yes.

16 Q If your theory is correct and lint naturally
17 accumulates in appropriately used and
18 installed dryers, why did you have to shove
19 lint into this space between the baffle and
20 the back of the drum to conduct the test?
21 Why did you --

22 MR. HOPKINS: Objection. You keep
23 adding the words, appropriately used. That's
24 my objection.

25 Q It's a five-year-old dryer, right?

2 A Yes.

3 Q And it's your opinion that this lint
4 naturally accumulates in the Electrolux dryer
5 in this position during usage, correct?

6 A In certain situations. Again, using your own
7 line of questioning before, all of our dryers
8 don't necessarily show specifically heavy
9 accumulations of lint or different things.

10 There are different factors of which we
11 don't have control over and don't know the
12 operational history and maintenance history
13 of. This five-year dryer, if it had been
14 maintained and all the lint was cleaned out
15 shortly before use, the accumulation of lint
16 that could be visible in this dryer could be
17 may be five years of lint. We don't know.

18 Q Clarify it for me one more time. Lint
19 doesn't accumulate in every Electrolux dryer?

20 A Lint does collect -- lint is created and
21 collects in every dryer.

22 Q But in Electrolux dryers, it's your opinion
23 that it accumulates near the heat source when
24 certain conditions are present?

25 A And this dryer shows evidence of that.

2 Q And what conditions are they that have to be
3 present for lint to accumulate?

4 A Lint accumulates in every dryer no matter
5 what. I don't understand your question.

6 Q Is it your opinion that lint accumulates in
7 every Electrolux dryer in proximity to the
8 heat source regardless of how it's used and
9 maintained?

10 A Yes, depending on the degree of accumulation.
11 That's the variable, and that's subject to
12 other variables. That's caused by other
13 variables.

14 Q Is there a certain point at which the
15 accumulation becomes a hazard?

16 A Yes, actually right off the bat, as long as
17 there's conditions enough that there's a
18 piece of lint that accumulates on the back of
19 the drum or in close proximity to the heat
20 source under the right conditions and under
21 very specific circumstances, all it takes is
22 one very small piece of lint to be ignited to
23 transfer it to other lint collected within
24 the dryer or to ignite the clothes.

25 Q I'm not sure what your qualification of my

2 question is. Because when you qualified it
3 and when Mike interjected his objection,
4 which I'm happy he did, the issue with the
5 question was that I said an appropriately
6 installed and normally maintained dryer, and
7 you said you qualified it. So what's the
8 qualification? I'm not sure what your theory
9 is after all.

10 A Every dryer, even normally installed dryer,
11 is going to produce lint, and that lint
12 it's -- some of that lint is going to stay
13 within the cabinet.

14 In this particular instance, this
15 five-year-old dryer that you're using as an
16 example, in my opinion, there is lint that's
17 collected here in proximity to the heat
18 source, so I guess I don't understand your
19 question.

20 Q Go back and tell me your theory again, Mike.
21 I'm six hours in, and I'm still not sure I
22 got it given Mike's objection to my question
23 and your clarification that there have to be
24 certain factors present. Does lint always
25 accumulate near the heat source in Electrolux

2 dryers?

3 A Yes.

4 Q And is it your opinion that when there is
5 restriction in airflow or change in airflow
6 lint accumulates more?

7 A Yes.

8 Q Near the heat source?

9 A Yes.

10 Q Okay. I got it. Now, we're looking in this
11 test in photo 349 at a five-year-old dryer,
12 and in order for you to do the test, this
13 burn test, you had to shove cotton balls in
14 between the baffle and the back of the drum.

15 And my question is: Why doesn't there
16 enough lint there at five years out to do the
17 test without you having to artificially
18 insert the cotton balls?

19 A The point of this test was not specifically
20 to prove necessarily the lint ignition
21 scenario. The point of this test was to
22 demonstrate the fire spread and growth
23 characteristics of the dryer. We wanted to
24 make sure by using this amount of cotton,
25 which obviously from the photograph shows

2 it's a fair amount of cotton balls -- I don't
3 know if it's the entire bag. It might be
4 misrepresented in the photographs.

5 But the baffle is well stuffed with
6 cotton balls for this testing. The point of
7 the testing was to make sure that we had the
8 burning lint in the back of the drum and the
9 ignition of simulated lint anyway that it
10 would ignite the clothes and spread to the
11 other components.

12 This test is geared more towards fire
13 containment and fire growth from the plastic
14 components and the load itself.

15 Q Thanks for stating it so patiently for me.
16 It's a five-year-old dryer. If your theory
17 holds water, why did you have to shove a bag
18 of cotton balls between the drum and the
19 baffle to do your test? Why wasn't there
20 enough lint there already to do it?

21 A My opinion has never been that every
22 five-year-old dryer is going to be in the
23 same circumstances where it's as filled with
24 lint that it's a hazard, but there are
25 obviously, based on our physical examination

2 and our examination of exemplars and our
3 examination of dryers, along with the
4 Electrolux experts, we've documented
5 countless times.

6 We have 144 dryers here that are
7 Electrolux dryers that have caught fire, and
8 the vast majority of those display
9 accumulations of lint in those, as well as
10 under unburned dryers in our exemplars
11 analysis have substantially amounts of
12 increased lint over this particular test
13 model.

14 One of the reasons why we chose to use
15 this in the testing was that it wasn't a
16 dryer that had a substantial amount of lint
17 in it, and therefore, the evidentiary value
18 that we wanted to be preserved in case
19 Electrolux wanted to do a physical
20 examination of some of these exemplar dryers
21 would be practical.

22 Because of monetary considerations, the
23 fact that even used dryers cost money and our
24 test program here, there is only so much time
25 and money we can spend on these things. We

2 decided to use a dryer to show lint
3 accumulation to this effect.

4 Q 359 to 362, in these photos, I see the cotton
5 batting stuffed between the back of the
6 heating pan and the cabinet?

7 A That's correct.

8 Q Why did you stuff the cotton there?

9 A Potential testing with the localized heat
10 pattern. One of the things we were wondering
11 is is it enough that lint may collect behind
12 this and it may have been consumed by its own
13 little fire. That's one of the things. The
14 other thing specifically is this test was
15 not --

16 We wanted to use lint ignition even
17 though it was staged lint. We wanted to use
18 that as an ignition source even though we
19 weren't directly igniting the load by hand.
20 We set it up enough and on the back of the
21 drum. Again the demonstrative relevance to
22 this particular testing is to show that, you
23 know, the clothes, once they're ignited, can
24 spread to other forms of the dryer and showed
25 the growth and development stages of this

2 fire as it's viewed by someone who may be
3 witnessing this fire in the first place.

4 Q Is this one of the locations in between the
5 heater pan and the cabinets that you see lint
6 in your burned and unburned exemplar?

7 A No, I mean there may be some small
8 accumulation of lint in the area, and we've
9 seen it in some dryers that are exceptionally
10 linty with some probably -- what's the word
11 I'm looking for? Dryers that may have been
12 altered from the original factory condition,
13 like changes in the duct and such like that
14 inside the cabinet that provides excess lint.

15 But generally speaking, no, it's not
16 anything we're looking at. One of the things
17 that we were examining again was in relation
18 to two factors, which we were doing part of
19 this investigation, and we have not
20 formulated any opinions on at this point in
21 time as far as causation. But the localized
22 heating in the back of the heater housing and
23 in some models that Electrolux has produced,
24 they have an electric model that has a heat
25 shield that's attached to the rear of the

2 cabinet. And we're trying to see if there is
3 some correlation between fire cause or excess
4 heating in that particular area. And that's
5 the reason for it.

6 Again, no specific opinions for fire
7 cause for the replacement of this lint
8 especially to this bearing case, the Schantz
9 matter, and nothing we're using specifically
10 as that, yes, it's this particular scenario.

11 Q 363 to 367 show the cotton on the lint
12 screen, correct? Sorry. Maybe not. I guess
13 you can't really show it, can you?

14 A They show it on the lint screen and then show
15 the lint screen in place with the cotton on
16 it through the lint trap.

17 Q Did you believe this is representative of
18 some real-life condition of lint?

19 A Again, it wasn't a specific correlation. We
20 didn't weigh the amount of lint on a lint
21 screen and reproduce it by weight. We just
22 put lint there again to aid in making sure
23 that all the plastic components had enough
24 lint to catch fire.

25 Q In this test, how did the lint ignite?

2 A By the heating element.

3 Q Which lint ignited?

4 A The lint applied to the -- well, the first
5 fuel -- let me go back. The first fuel
6 ignited in this test was the cotton that we
7 specifically placed at the rear, top rear of
8 the heater housing. We actually put it in
9 very close proximity to the heating elements,
10 so we knew it was going to be ignited.

11 Q Did I show you a picture of that?

12 A Yes, you did.

13 Q 359 through 362 show the cotton that was
14 ignited in this test?

15 A Yes.

16 Q And how was it ignited?

17 A Just by radiant heat energy from the heat
18 element.

19 Q The towels that you used in this test, were
20 they wet or dry?

21 A They were dry.

22 Q And did you use high heat?

23 A I believe so. I'm sure there's probably a
24 photograph that shows it. I think everything
25 was done at high heat to the best of my

2 recollection.

3 Q Is it in this one?

4 A Yes.

5 Q White, high heat. Okay.

6 A Let me go back and explain a little bit
7 further. One of the reasons why we did put
8 so much lint in this specific dryer is other
9 testing that we had done -- I mean, we have
10 done testing that we don't have records for
11 that we are not using for this case, but in
12 the initial stages of learning this process,
13 we found that by preheating a load, it's much
14 easier for lint to occur. So a wet load, a
15 dry load, a dry preheated load is easier to
16 dry.

17 In lieu of spending a long time to
18 preheat this load, we used dry towels, and we
19 used extra lint behind the drum to just reach
20 ignition and pull lint.

21 Q The alternative designs are Ronco 3 and 4?

22 A Yes.

23 Q Ronco 3 is gas, correct?

24 A Yes.

25 Q And with Ronco 3, we have a folder with lots

2 of test data.

3 A That's correct.

4 Q And we have got test setup notes and then
5 photos of the alternative design, correct?

6 A That's correct.

7 Q For Ronco 4 --

8 A Yes.

9 Q -- we've got the transition duct photos, but
10 no test data?

11 A Ronco 4 is still under going testing.
12 Actually, the photographs shown here are a
13 mock-up. It's not fully assembled. We have
14 not had time to finish the testing.

15 If you look closely in the photographs,
16 you'll notice -- and just for the record now,
17 the heating element is not even hooked up.
18 Those wires are staged there for photographic
19 purpose, and the wiring harness is still 120
20 volt for a gas dryer, not for an electric
21 dryer.

22 So these photographs on this testing for
23 this alternative has not been completed.
24 That being said, we expect to find the same
25 results we did with our GE testing. We found

2 much of what we did with our Electrolux gas
3 testing that we -- our design and the
4 original design of the gas GE and the gas
5 with the Electrolux -- the amount of time it
6 took to dry a load of clothes or a load of
7 towels in this particular case was
8 essentially the same, plus or minus two
9 minutes may be.

10 Q So the testing on Ronco 3 was testing to see
11 how long it took to dry clothes?

12 A Yes, it was what gas. Again, Ronco 3 it's an
13 Electrolux gas dryer that we installed a
14 guard on to better separate the points where
15 lint is known to collect at the bottom -- I
16 call it a fuse. They may call it a heater
17 assembly. To better separate it from the
18 vertical heat duct the connects the burner
19 tube to the heater assembly.

20 And we did baseline testing on the gas
21 dryer so that we can establish time it took
22 to dry a specific load of towels that weighed
23 out the a certain amount. Kind of similar to
24 the lint accumulation basis that Electrolux
25 used for their own testing.

2 Similar type of theory. We weighed the
3 towels beforehand. We dried them to the same
4 dry weight to simulate that they were dried
5 completely, and we compared the amount of
6 time it took to dry the same load to the same
7 degree of dryness between an unmodified gas
8 dryer and our modification of the Electrolux
9 gas dryer.

10 Q So the test was for the purpose of
11 determining the drying time?

12 A I think I know where we left off. Can you
13 just read back that last question?

14 (Reporter read question as recorded.)

15 The purpose of the testing was to prove
16 that the modification that we made to the
17 Electrolux gas design is as efficient in
18 drawing the same load as the unmodified
19 dryer, and that would be the same to go along
20 with our other testing with the GE.

21 The Electrolux testing hasn't been
22 completed yet. We expect to find the same
23 results we have done with the GE testing down
24 to the same area.

25 Q So this test wasn't to determine where lint

2 accumulates in the dryer, in the Ronco 3
3 dryer?

4 A That's correct.

5 Q Or the Ronco 4 dryer?

6 A That's correct.

7 Q And how many cycles did you run Ronco 3 for?

8 A It would be in the data notes. If you can
9 open those up, I might be able to help you
10 better. In the same Ronco 3 folder, there is
11 a Word document that's listed Electrolux gas
12 dryer test data, which contains all the data
13 that I was recorded regarding the dry weights
14 of the towels, the weights of the towels, the
15 total amount of drying time, et cetera, and
16 it also lists what each test was in relation
17 to whether it was a baseline test or whether
18 it was conducted in the dryer with the
19 guards.

20 Q So I'll know from that document how many
21 cycles you ran the dryer for?

22 A It's in the time frame. The baseline test,
23 you can generally count cycles of heating
24 elements, because we did measure the exhaust
25 output for airflow and for temperature to

2 give us a general idea of how many heat
3 cycles it took to show a correlation between
4 a modified dryer and unmodified dryer.

5 Q Do you know how many cycles it ran for?

6 A I don't know.

7 Q Do you plan on running Ronco 4 the same way?

8 A Yes.

9 Q Has that testing already started?

10 A Yes. Electrolux and both General Electric
11 dryers, they all use the same protocol.
12 Again, we expect to find the same results on
13 the GE electric, which is the same basic
14 design, that by removing the heating element
15 from the rear of the dryer and putting it
16 down with the gas burner would be, and using
17 the basic components of the gas dryer, it's
18 going to give us efficient drying times.

19 Q Have you done any testing with regard to
20 bearing failure?

21 A No, we have not.

22 Q How come?

23 A Bearing failure themselves are pretty well
24 established and accepted in the industry as
25 being a competent ignition source.

2 Q Why did the Schantz bearing fail?

3 A It could be numerous factors.

4 Q Like?

5 A It could be maybe improper assembly. These
6 are all estimations. I have no opinions as
7 to why the bearing failed. It could be the
8 contamination of either the plastic bearing
9 or the lubricants on the bearing assembly.
10 It could be a breakdown of the lubricants
11 over time. I do not know the answer.

12 Those are some potential causes.
13 Because the bearing is destroyed, there is no
14 way to evaluate it.

15 Q Turning to the Schantz dryer finally, you
16 weren't the first origin and cause
17 investigator in the Schantz dryer; is that
18 correct?

19 A That's correct.

20 Q Do you know the history before it gets to
21 you?

22 A As far as what aspect, joint examination of
23 head or the entire case?

24 Q The entire case.

25 A I know the basics of it based on the report

2 of Brian Gray of GBFI and information he
3 provided, as well as deposition testimony
4 provided by Mrs. Schantz, Chief Paiano,
5 William Lovelace and Carl Cane.

6 Q Can you tell me -- and, Mike, please look at
7 whatever file material you need to look at to
8 answer this question. Can you tell me when
9 you were first contacted about this loss?

10 A Sure. Point of clarification, me myself, or
11 is the others sufficient? I don't know the
12 details of when I may have been personally.

13 Q Good point. The Wright Group then.

14 A The Wright Group was given the assignment on
15 November 12, 2006.

16 Q What was your first work on the file?

17 A My first work -- I'm not sure who actually
18 logged in the evidence and received the
19 evidence. That may have been me or may have
20 been someone else in this facility. My first
21 notation is I had a telephone conversation
22 with Attorney Monastra, who was handling the
23 file prior to Attorney Hopkins regarding,
24 some of the background facts to the extent
25 that he wanted to examine the dryer.

2 Q Can you confirm that the date of loss was
3 11/12/06?

4 A Yes, according to our initial assignment
5 sheet, which lists the date of loss -- sorry.
6 I take that back. I was misunderstood.
7 That's where the confusion is coming from.
8 The date of loss is November 12, 2006.

9 Q And then your first contact?

10 A Our date of assignment, The Wright Group was
11 first contacted on April 18, 2008, and then
12 my conversation with Attorney Monastra would
13 have been on May 4th, 2008.

14 Q Do you agree that the fire company in the
15 Schantz matter put the dryer outside on the
16 driveway after the fire?

17 A Let me just look real quick.

18 Q Sure.

19 A Yes, I agree with that according to the
20 deposition of Chief Paiano.

21 Q Do you know that the dryer sat outside for
22 about a month in the driveway in the winter?

23 A If that's the approximate date, that sounds
24 about right without going through all the
25 deposition notes and stuff and everything. I

2 would say that's probably reasonable.

3 Q At some point, Mike, did you go through and
4 learn the history of the dryer in terms of
5 what happened to it prior to it getting to
6 you?

7 A Through conversations with probably Attorney
8 Monastra first and maybe Attorney Hopkins.
9 I think Attorney Monastra was the one.

10 Q So you get involved about 18 months after the
11 fire happens? That's November 12th to
12 April 18th.

13 A Approximately, yes.

14 Q And during that 18 months that you weren't
15 involved, do you know how many examinations
16 of this products there were?

17 A When you say examinations --

18 Q Destructive exams.

19 A You mean when the dryer was disassembled?

20 Q Correct.

21 A To the best of my knowledge, it was only done
22 once, but I can't exactly testify as to how
23 many times exactly it was.

24 Q Do you know who did that examination?

25 A I'm trying to recall the details. It may

2 have been -- I don't know who was present
3 from Electrolux, maybe Tom Bazjek, along
4 with -- I want to say A. Wonderlee was the
5 original person who took it apart.

6 Q Did you see the scene photographs?

7 A Yes, at some point I have from Brian Gray.

8 Q And was there any information in the scene
9 photographs that were important to your
10 analysis or your opinions?

11 A Well, yes, I always look at the scene to see
12 how the thing was laid out and how it was
13 installed. Specifically, as far as
14 installation, specifically, I think
15 Mrs. Schantz probably her deposition is
16 probably the most useful for me in trying to
17 establish those facts.

18 Q Do you remember seeing the scene photographs?

19 A At some point I have, yes.

20 Q In those photographs, is there evidence of
21 the venting?

22 A There are photographs of the venting in the
23 BFI report.

24 Q And what kind of venting was used?

25 A From the photographs, it appears it was all

2 rigid metal. I can't specifically tell from
3 visual evidence if it was steel or aluminum.
4 It appears to be two sections of rigid pipe,
5 two 90 degree elbows and what appears to be a
6 standard metal, 4-inch exterior hood.

7 Q Did you have the opportunity to examine that
8 venting?

9 A No, those were not received. Let me just
10 double-check my photographs.

11 Q Sure.

12 A The external duct was not included with the
13 evidence when we examined it, so we did not
14 do a physical examination of it.

15 Q Did you ever see photographs of the duct?

16 A Only -- the only photographs I've seen of the
17 duct would be in the BFI report and Tom
18 Bajzek photos.

19 Q From those photographs, were you able to make
20 any determination as to the amount of lint
21 contained in the duct?

22 A Not specifically, no. I didn't see any
23 obvious signs of lint accumulation in there
24 and reviewing Tom Bazjek's reports, I think
25 these finding were similar. Miss Schantz

2 also testified that she kind of cleaned it
3 out when it popped off the dryer also.

4 Q So you're not aware of any evidence of the
5 Schantz dryer of lint accumulating in the
6 vent?

7 A No.

8 Q When you get this dryer about 18 months after
9 the fire and after it sat outside for about a
10 month and it's been taken apart by other
11 experts, what did you do to conclude that the
12 evidence in its condition was, in fact,
13 representative of the post-fire condition and
14 suitable for you to rely on?

15 A Well, I mean, as far as the actual inspection
16 went, the details of the inspection, certain
17 particular evidence items are more important
18 in this particular case even though it had
19 been previously examined. There was no
20 obvious --

21 Aside from being disassembled, which in
22 my opinion doesn't necessarily classify it of
23 being destructive, I didn't see any gross
24 changes besides the exhaust system, the
25 internal components of the dryer, appeared to

2 be all present. They didn't appear to be
3 grossly moved or altered in any way. The
4 specific items of interest were all intact
5 and present for any examination.

6 Q What evidence of lint accumulation in the
7 dryer did you find upon your inspection?

8 A Again, let me go to my --

9 The only lint post fire in our
10 inspection -- again, I'm going off of copies
11 of my photographs here, so they are not very
12 clear -- is some evidence of lint in the base
13 of the cabinet.

14 Q Can you show me that photo?

15 A It looks like the group of photos
16 approximately from photo 280 -- roughly 280
17 to 292. Basically, around the vent tube and
18 the base of the cabinet.

19 Q Mike, would you agree compared to other
20 dryers you've seen this lint accumulation is
21 light, if at all?

22 A Yeah, I would rate it as minor accumulation.

23 Q Was there any evidence of lint accumulation
24 at or around the heater pan?

25 A Nothing remaining post fire at the time that

2 I saw it.

3 Q Normally, I haven't done this with you
4 before, but normally, Ron will show me
5 photographs of witness marks of where the
6 lint was, protected areas where the metal
7 looks differently than the exposed areas. Do
8 you see anything like that?

9 A Again, I mean, there is other minor instances
10 of lint accumulation. Let me just point
11 those out to you. Again, post-fire damage,
12 the load was entirely consumed, but there was
13 enough fire damage in this and enough fire
14 damage in the dryer that some of the lint may
15 have been consumed in the fire if there was
16 any in these particular locations.

17 There is some lint, charred lint, that
18 it accumulated around the bearing opening at
19 the center of the heater housing. No to 362;
20 photo 369, again minor amount. There is a
21 little bit of lint that has accumulated
22 there. Even post fire, there was lint
23 remaining. Generally, no, I don't see any
24 specific major protected areas where there
25 was significant accumulations of lint

2 anywhere in the heater housing.

3 Q As a result of your examination of the dryer
4 post fire, were you able then to rule out
5 that lint was the first fuel ignited by this
6 heating coil or by the arcing events?

7 A Not entirely, no. I was not. Due to the
8 fact the lint may have been consumed during
9 the fire, the lint may have been dislodged
10 when the fire department removed it from the
11 scene. It may have been dislodged from the
12 transport from the scene to the original
13 inspection location or to us, with the fire
14 being probably -- the fire and fire-fighting
15 operations probably being one of the more
16 relevant ones. There was no significant
17 accumulation of lint, but I can't eliminate
18 the fact that a small amount of lint was not
19 the first fuel that was there.

20 Q Let me ask it another way then. Do you have
21 sufficient evidence here to opine to a
22 reasonable degree of forensic fire certainty
23 that lint was the first fuel ignited?

24 A The only two known fuels that could be
25 ignited during the ignition scenario, which

2 is the electrical short circuits of the
3 heating element to the rear of the drum,
4 would be either lint or the cloths load
5 itself.

6 Q I understand that those are the two potential
7 sources of fuel. In this particular case,
8 you don't have enough information to conclude
9 to a reasonable degree of certainty based on
10 the evidence when you got it that lint was
11 the first fuel ignited?

12 A That's correct.

13 Q During your inspection on May 8th of 2008 --
14 that was the right date, right?

15 A Yes.

16 Q Who was present?

17 A Myself and Bruce Rabone, who is one of our
18 evidence technicians, and Ron Parsons I
19 believe also. I don't know if he was present
20 during the whole examination, but I know he
21 was involved in this one.

22 Q Let me guess. He came in and out?

23 A He was probably during the entire process.
24 That's what happens.

25 Q Were you the only active participant in the

2 exam in terms of taking things apart,
3 photographing documents and looking through
4 notes and something?

5 A Yeah, I mean, I'm definitely the person.
6 Bruce happened to be assisting me that day.
7 Actually, the photographs we took is on his
8 camera.

9 Q You mentioned earlier when we were speaking
10 about the high-limit thermostat that you
11 would have liked to have taken apart the
12 high-limit to examine it, correct?

13 A That's our standard protocol.

14 Q And you didn't because Electrolux wasn't
15 present?

16 A Right. The same reason we didn't remove the
17 baffle from the drum, which is another thing
18 we like to do.

19 Q Do you know why Electrolux wasn't present for
20 the inspection?

21 A That's another conversation I had with
22 Attorney Monastra. He instructed us to go an
23 ahead.

24 Q Did you request that Electrolux be present?

25 A It was our recommendation that if he would

2 like us to do the examination that he let
3 Electrolux know, which is why we never did
4 it, because we never heard back from him or
5 it wasn't scheduled.

6 Q Did you get an explanation from him as to why
7 Electrolux wasn't invited?

8 A Not that I can recall.

9 Q Do you have any knowledge as to how the dryer
10 was maintained apart from being on the
11 driveway outside for a month? Do you have
12 any knowledge as to how it was maintained
13 between the time it was taken off of the
14 driveway and the time you got it?

15 A I don't.

16 Q What evidence do you know of that was
17 preserved after the fire?

18 A Obviously, according to other photographs I
19 have seen of the previous examination, the
20 dryer itself, the exhaust components that we
21 discussed earlier and the dryer receptacle
22 and the portion of the supply wiring. That's
23 all I can think of off the top of my head.

24 Q Had you been the OMC at the scene what
25 evidence would you have collected?

2 A Again, I was not, so it's hard to speculate
3 on that.

4 Q You know what you do at inspections. What
5 evidence would you have collected?

6 A Generally, I would have collected the dryer
7 itself, all of the exhaust, the dryer
8 receptacle, as well as any attached wiring
9 that may be affected or damaged.

10 Under certain scenarios, we would
11 probably -- in most situations actually, we
12 would probably take the breaker for the dryer
13 and any other pertinent evidence I would have
14 deemed responsible at that time. If the load
15 had been removed, I probably would have
16 secured that as well if there was any other
17 items of interest from the area.

18 Q At some point did you interview Miss Schantz?

19 A I actually did not interview Miss Schantz.
20 All of my information is taken from her
21 deposition.

22 Q You agree this is a ten-year-old dryer?

23 A Yes, approximately ten years old.

24 Q What's your explanation for why we didn't see
25 lint accumulated, something other than the

2 minor lint that you described for me earlier,
3 accumulated in a ten-year-old dryer?

4 A Again, based on her statements in her
5 deposition and the condition I see the
6 exhaust, in either, she didn't abuse it with
7 overloaded loads. There was no leakage of
8 the seals in this particular unit.

9 The exhaust was probably -- at least,
10 according to all the information, I have the
11 exhaust was appropriate and short. It was a
12 very short run of exhaust, no foreign objects
13 or anything like that in there. That's just
14 some of the reasons.

15 Q Did she ever clean it?

16 A No, according to her statement, no.

17 Q How did that fit with your theory a
18 ten-year-old dryer with hardly any lint in it
19 that's hardly ever been cleaned, only the
20 lint screen cleaned?

21 A Again, I have never proposed that this is a
22 lint fire. This is a bearing fire. It has
23 to do with the fact that the design is such
24 that it allows the bearing to come in back of
25 the drum once the ball hitch assembly fails,

2 and that could ignite either the lint or the
3 clothing load.

4 It's an issue with the products that
5 it's designed in such a way that it doesn't
6 fail safely. That's my ultimate conclusion
7 on this one. It has nothing to do with
8 specifically my ignition failing theories.

9 Q The reason I ask you is because the majority
10 of the 79 pages of your report deal with lint
11 theory. Now, we have a ten-year-old dryer
12 that with just apparently normal cleaning of
13 the lint screen, and I'm asking you: How
14 does that square with the lint theory that
15 you've set forth in detail in 79 pages of
16 your expert report and the conversations we
17 have had today?

18 A Because lint is a potential for fuel. Lint
19 that accumulates in the dryer is a potential
20 first fuel for the ignition scenario. It has
21 been the lint that collects inside the dryer
22 in proximity of the heat source. That's why
23 we author the report in regards to the
24 production of lint. Lint, and more so in
25 this particular report, relates to the growth

2 and spread of the fire as its does to the
3 first fuel, the secondary and spread of
4 damage to the surrounding area.

5 Q But I think just a few minutes ago we ruled
6 out or at least you told me that you ruled
7 out -- that may be too aggressive a word, but
8 you told me that you didn't have enough
9 evidence to a reasonable degree of certainty?

10 A Based on the condition of the evidence after
11 the fact, we can't make it a full assessment
12 as to how much lint accumulates in the dryer
13 from the trap duct area that would allow for
14 additional ignition of the plastic components
15 and be that spread and growths fuel.

16 Q Certainly, you'd agree with me though in the
17 140 unburned and burned exemplars -- let's
18 talk about the burned. I don't know what the
19 number is that are burned, do you?

20 A 144 would be it at least at the time that was
21 produced for you in the chart or something
22 that you've seen. I don't know exactly what
23 case you got the 144 off of, but 144
24 Electrolux dryers are the ones that actually
25 have been involved in the testing.

2 Q So in those burned exemplars, I think pretty
3 much all of them you see evidence of lint on
4 the cabinets, on the cabinet floor at the
5 heater pan. Those are the locations I
6 remember specifically.

7 A In the trap ducts at the rear of the drum,
8 blower housing, lint screen, all different
9 areas, yes.

10 Q And we don't see that part of the protected
11 area even when the lint is burned away; it
12 leaves this protected area that let's you
13 know it's there, right?

14 A Where you referring to?

15 Q On the heater pan.

16 A On an electric dryer, there is not a
17 significant area of lint that leaves a --
18 specifically, the lint as a first
19 fuel is not my primary focus of my opinion.
20 The opinion is that this dryer did not fail
21 safely; that the electric heating came into
22 contact with the back of the drum; and the
23 only two available fuels that it potentially
24 could ignite was the clothing load itself or
25 the lint.

2 Q Having understood that -- and I do -- I'm
3 coming back to my question. 79 pages
4 thereabouts of your reports talks about how
5 lint accumulates in a significant fashion in
6 the Electrolux dryer during usage, and we've
7 got a ten-year-old dryer here in the Schantz
8 case, relatively no evidence of lint
9 accumulating over the course of ten years.

10 My question is: How does that square
11 with your theory that the Electrolux design
12 is bad and promotes the accumulation of lint
13 near the heat source?

14 MR. HOPKINS: Objection to form.

15 A Because you're singling out the Schantz
16 dryer, just as you singled out the previous
17 test dryer that we used. I'm not saying that
18 this amount of lint accumulates in every
19 dryer. I'm saying that of the 144 unburned
20 exemplars for lint to accumulate in the areas
21 where they can be ignited by the heat source
22 in the dryer.

23 Q So you can't explain why the Schantz dryer
24 after ten years of use without any
25 maintenance doesn't have any lint in it?

2 A Just the situation. Every situation is
3 different. Every household is different.
4 Again, we can't testify to every single dryer
5 and every single one that we use in an
6 exemplar as far as the history of the dryer,
7 but it's a known fact because of the physical
8 evidence remaining.

9 Q In your executive summary you have a number
10 of points that deal with the design and
11 design changes, correct?

12 A That's correct.

13 Q What is it about your background, training or
14 experience that enables you to be qualified
15 to provide design opinions?

16 A These designs that we cite in our executive
17 summary and our report are current designs
18 that are in place in other dryers. We're not
19 taking them. We're not coming to you with
20 these on our own. They are all technologies
21 that have been used by other manufacturers
22 such as Whirlpool, MayTag, and they're even
23 used by other dryers that are manufactured by
24 Electrolux.

25 All we're doing is taking what's out

2 there and rating it, how in this particular
3 circumstance it could be used to eliminate in
4 some situations or at least significantly
5 reduce the hazards of fire associated with
6 the current design of electric dryers, in
7 particular in the bearing failure cases.

8 By relocating the heating element, you
9 completely remove this potential ignition
10 scenario from happening. A bearing failure
11 that occurs in a dryer that doesn't have a
12 heating element in close proximity to the
13 rear of the drum will not cause this
14 particular ignition scenario.

15 This dryer in particular is poorly
16 designed in that it does not fail safe no
17 matter what the life expectancy of the dryer
18 is. Ten years or not, when the bearing
19 fails, it should not cause a fire and have
20 properties of life safety.

21 Q Is there anything in your background or
22 training or experience that would qualify you
23 with regards to your opinion in the design of
24 a dryer?

25 A I think I'm more than qualified, because I

2 use existing design features that are in use
3 in other manufacturers throughout the
4 industry and to apply those to this
5 particular condition.

6 Am I proposing that I am a design
7 engineer? Absolutely not. Am I able through
8 my knowledge, training, education and
9 experience to identify hazards? Absolutely.

10 I'm able to suggest the potential design
11 alternatives that would alleviate these
12 hazards, reduce the hazards or eliminate the
13 hazards, which is something in my opinion and
14 also in my counterpart's opinion, Electrolux
15 has failed to do by choosing to ignore the
16 basic tenets of safety engineering, which is
17 not necessarily the responsibility and only
18 can be used by licensed or degree'd
19 engineers.

20 Q Ronco 3 and 4, do they employ designs that
21 have been used by other manufacturers that
22 are on the market?

23 A Yes.

24 Q Ronco 3, who had that design?

25 A Ronco 3 is a variation of two different

2 things. You're talking about the gas dryer,
3 Ronco 3. It's a variation on a dryer that's
4 made for Electrolux by General Electric. All
5 we did is take the design that's incorporated
6 in certain models manufactured by Electrolux
7 for GE and improve it slightly.

8 Q What was the improvement?

9 A Let me go back a step further. In certain
10 General Electric models manufactured by
11 Electrolux, there is a half-moon shield
12 that's attached to a gas dryer, and by adding
13 the addition of some other sheet metal to
14 that basic principle, we didn't modify a
15 specific one.

16 But we made up a similar type of
17 arrangement, a similar design feature. We've
18 essentially blocked the lint that accumulates
19 in the lower section of the heater assembly
20 from coming into contact with the edge of the
21 vertical heat duct, where it can be ignited
22 by the gas burner and have product
23 combustion.

24 (Whereupon, a brief recess was held.)

25 Q Ronco, is that design used by other

2 manufacturers?

3 A Yes.

4 Q Who?

5 A Well, let me go back a step. Ronco once
6 it's -- it's demonstrated in photographs, but
7 it hasn't been tested. It's the same thing
8 as the other GE electric test, and what we've
9 done is we've -- essentially, we've taken the
10 Electrolux gas dryer, and instead of the
11 heating gas burner, we've replaced the
12 heating element using a packaged dial heating
13 element that's used generally in that
14 specific dryer without modifying it.

15 Whatever is used in one instance by GE
16 and that whole design concept with the
17 package element in the base of the cabinet is
18 used by Electrolux in their new line of
19 dryers. The General Electric dryer that it's
20 ultimately based on is a high-capacity
21 General Electric dryer that was manufactured
22 sometime back in the '80s, where they
23 realized that they could increase the drum
24 size by removing the heating element from the
25 back of the drum and making a packaged style

2 heating element. That is ultimately based
3 upon the GE design, Ronco 4 is.

4 Ronco 4 was built using the same exact
5 package style element. It's actually an
6 Electrolux part, and if I look into my
7 research, I could probably give a part number
8 on it. It came from an Infinity 7.0 cubic
9 foot dryer, and that directly interchanged
10 with the gas heater assembly as far as how it
11 fit to the duct assembly that is already in
12 place in the gas dryers that Electrolux
13 makes.

14 Q Have you tested either Ronco 3 or Ronco 4 for
15 lint accumulation?

16 A We have not.

17 Q At the end of your report you mentioned
18 University of Kentucky report from 1992?

19 A That's correct.

20 Q That study only had to do with spontaneous
21 combustion?

22 A It would only apply if for some reason
23 spontaneous combustion was alleged by you or
24 somebody in our defense. That's why we put
25 it in our report.

2 Q That's Stoddard 2. Is that a full and
3 complete copy of your report?

4 A Yes.

5 Q Do you want to look?

6 A It does not contain minor runs, CVS or the
7 fee scheduled.

8 Q We marked that as Stoddard 1, remember?

9 A Mine is, but Ron's is not. Ron's
10 qualification.

11 Q Should he be in this case?

12 A No, that is fine. I'm just clarifying for
13 the record. It appears Exhibit 1 is the full
14 copy of my report.

15 Q Also, along with your file folder, we have
16 received a CD, and the CD contained a bunch
17 of things, including photographs of the
18 Schantz dryer. And I'm showing you now a
19 document marked Stoddard 3 with a contents
20 list at the top of it. Stoddard 3 is what
21 was on that CD, and the contents list is at
22 the front. If you could just make sure that
23 that's accurate.

24 A There is some spelling errors on this, but
25 other than that, it appears that all of the

2 filings that were on the disk are listed in
3 that first page. What was your question
4 regarding the rest the package?

5 Q It's all from the CD, and I'm asking you to
6 confirm that that's the file material that
7 you have?

8 A Without going through detail and looking
9 through everything, it appears that it's
10 correct. There is two copies.

11 Q One is for Mike. This is a complete copy of
12 the file material as provided on CD?

13 A Yes, it appears to be at this point.

14 Q And then the last document we've talked about
15 is the hard drive that you have provided
16 that's marked as Stoddard 7, but take a look
17 at this contents list and see -- and I would
18 like you to be careful about this list, Mike,
19 see if there is anything that you think I'm
20 missing that we haven't already talked about
21 and made a separate request for.

22 A Well, in response to your question, are you
23 talking about all the materials in total that
24 we're going to rely on in forming our
25 opinion?

2 Q Yes.

3 A Such as UL standards and ANSI standards,
4 that's pretty common to everything?

5 Q Yes.

6 A Okay. This wouldn't include everything.

7 Q I realize that there are other documents
8 listed on your report saying documents that I
9 relied upon but in terms --

10 A Of stuff that only we would have?

11 Q Yes, is this everything?

12 A We talked about other items that are going to
13 be produced, I believe, with this list, and
14 other items that are brought out during the
15 deposition, that is probably all or the vast
16 majority. If there is anything else, I will
17 bring it to Attorney Hopkins' attention.

18 Q In Stoddard 3, the file that was provided,
19 there are in your billings and invoices?

20 A Yes, that's correct.

21 Q Are these all your bills and invoices for
22 work on the Schantz file?

23 A Up to the date that this particular package
24 was produced, yes. I don't know if there has
25 been any subsequent bills yet. There will be

2 one, I'm sure, after this deposition.

3 Q Go back to -- are you in Stoddard 3?

4 A Yes, I am.

5 Q If you can flip maybe three-quarters of the
6 way back, you'll see your retention letter or
7 a retention letter, I should say to you from
8 Donegal.

9 A Is this the e-mail here, 11/12/06? Yes, I
10 have that one here.

11 Q This letter from Donegal, second paragraph
12 states our investigation on that date reveals
13 that you have been investigating. Did I read
14 that correctly? {}

15 A That's how it's stated, yes.

16 Q What is the signature defect that you have
17 been investigating, what does that mean?

18 A I'm not sure. I did not write that letter.
19 I don't know what Attorney Monastra said --
20 what was meant by writing that. He knows
21 that we're drying experts and we're doing a
22 lot of testing on Electrolux. That was part
23 of our conversation.

24 Q At the back of the file material, there is a
25 diary sheet for this claim?

2 A Can you just give me the date -- even the
3 first date that's on the top?

4 Q 12/14/09. Can I show it to you?

5 A Mike found it. Go ahead.

6 Q If you look down to the 11/11 and 1/12 entry
7 and 1/14 --

8 A Yes.

9 Q -- there are entries or drafting and
10 continuing to the draft expert report?

11 A That's correct.

12 Q Are these your time entries?

13 A They would be a combination of mine and
14 Mr. Parsons' time.

15 Q Is there anything that tells us how much of
16 it is yours and how much of it is Ron's?

17 A No.

18 Q Do you know?

19 A Now, because this report in all actuality is
20 not just -- and I'm sure you're well aware is
21 not used specifically in just this file. All
22 these materials in this hundred-page report
23 are used in multiple files, so there is a lot
24 more hours and time in this report than
25 what's listed on this form.

2 Q How did you decide to charge to the Schantz
3 file?

4 A Specifically, the actual work that was done
5 in conjunction of typing up like the evidence
6 examination portion, importing photographs
7 specific to this case and reviewing, you
8 know, all the stuff that was done in our
9 review that is sort of specific to this case.
10 That's time billed.

11 Q Why would Ron's time be on the specific
12 Schantz report?

13 A Because anytime anyone works in this office,
14 they're credited the hours they work for
15 this.

16 Q Earlier you told me you write the reports
17 yourself.

18 A This is slightly different, because you'll
19 notice this report is authored by Ron Parsons
20 and myself.

21 Q Any reason why this is a joint project?

22 A Just because of the huge information and
23 testing we have done. Dryer projects, Ron
24 has considerable more experience testing that
25 applies specifically to the failures that

2 we're seeing with this specific file and with
3 other ones.

4 MS. NICOLSON: Mike, do you anticipate
5 anyone other than Mike Stoddard testifying at
6 trial?

7 MR. HOPKINS: Not with respect to the
8 opinions outlined in the report.

9 MS. NICOLSON: Am I going to see any
10 other experts other than Mike Stoddard at
11 trial?

12 MR. HOPKINS: No.

13 MS. NICOLSON: That's all I have. Thank
14 you so much, Mike. I hate to depose and run.

15 (Whereupon, at 5:04 p.m., the deposition
16 was concluded.)

17

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2

CERTIFICATE

3

I, MICHAEL STODDARD, JR., do hereby certify

4

that I have read the foregoing transcript of

5

my testimony, taken on Friday, May 14,

6

2010, and further certify it is a true and

7

accurate record of my testimony (with the

8

exception of the corrections listed below):

9

Page

Line

Correction

10

11

12

13

14

15

16

17

18

Signed under the pains and penalties of

19

perjury this _____ day of _____,

20

2010.

21

22

MICHAEL STODDARD, JR.

23

24

25

2 C E R T I F I C A T E
3 COMMONWEALTH OF MASSACHUSETTS

4 DEPOSITION OF: MICHAEL STODDARD, JR.
5 FRIDAY, MAY 14, 2010

6 RE: DONEGAL, ET AL, V. ELECTROLUX
7 DOCKET NO. 1:08-CV-2171

8 I, PATRICIA M. McLAUGHLIN, a Certified Shorthand
Reporter and Notary Public in and for the Commonwealth
9 of Massachusetts, do hereby certify as follows:

1. That MICHAEL STODDARD, JR., the witness whose
10 testimony is hereinbefore set forth, was duly recorded
by me on Friday, May 14, 2010;

11 2. That such testimony was transcribed by me and
is a true and accurate record of the testimony given by
12 the said witness, to the best of my knowledge, skill
and ability;

13 3. I further certify that I am neither attorney
for, nor related to or employed by any of the parties,
14 nor financially interested in this matter; and

4. That a dash as used through this transcript
15 is meant to represent an interruption in thought or
between a question and answer.

16 IN WITNESS THEREOF, I hereunto set my hand and
Notarial seal this 24th day of May, 2010.

17
18

19 Patricia M. McLaughlin
Notary Public
My Commission Expires:
20 May 4, 2012
21
22
23
24
25

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